

HB 1073

2016

1 A bill to be entitled

2 An act relating to military support; amending s.
3 83.49, F.S.; limiting the amount of advance rent or
4 deposit money that a landlord may require or receive
5 at the beginning of a rental agreement from a tenant
6 who is a servicemember; specifying what constitutes
7 sufficient notice to the landlord of a tenant's active
8 duty military status; prohibiting waiver or
9 modification of such limitation; creating ss. 718.129
10 and 720.318, F.S.; requiring condominium and
11 homeowners' associations, respectively, to complete
12 the processing of a rental application submitted by a
13 servicemember or a servicemember's spouse within a
14 specified timeframe; requiring such associations to
15 waive any required background check of a servicemember
16 as a component of a rental application if certain
17 conditions exist; providing applicability; providing
18 an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsections (4) through (9) of section 83.49,
23 Florida Statutes, are renumbered as subsections (5) through
24 (10), respectively, present subsection (4) is amended, and a new
25 subsection (4) is added to that section, to read:

26 83.49 Deposit money or advance rent; duty of landlord and

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27 | tenant.—

28 | (4) A landlord may not require or receive from or on
29 | behalf of a tenant who is a servicemember, as defined in s.
30 | 250.01, at the beginning of a rental agreement any money other
31 | than the payment of the first month's rent and a security
32 | deposit if the servicemember provides notice to the landlord of
33 | his or her active duty military status. The notice to the
34 | landlord must be accompanied by either a copy of the official
35 | military orders showing the servicemember is on active duty or a
36 | written verification signed by the servicemember's commanding
37 | officer. The provisions of this subsection may not be waived or
38 | modified by the agreement of the parties under any
39 | circumstances.

40 | ~~(5)-(4)~~ The provisions of this section do not apply to
41 | transient rentals by hotels or motels as defined in chapter 509;
42 | nor do they apply in those instances in which the amount of rent
43 | or deposit, or both, is regulated by law or by rules or
44 | regulations of a public body, including public housing
45 | authorities and federally administered or regulated housing
46 | programs including s. 202, s. 221(d)(3) and (4), s. 236, or s. 8
47 | of the National Housing Act, as amended, other than for rent
48 | stabilization. With the exception of subsections (3), (6), and
49 | (7) ~~(3), (5), and (6)~~, this section is not applicable to housing
50 | authorities or public housing agencies created pursuant to
51 | chapter 421 or other statutes.

52 | Section 2. Section 718.129, Florida Statutes, is created

53 to read:

54 718.129 Rental applications by servicemembers.-

55 (1) If an association requires a prospective tenant to
 56 complete a rental application before residing in a unit within
 57 the condominium, the association must complete processing of a
 58 rental application submitted by a prospective tenant who is a
 59 servicemember, as defined in s. 250.01, or his or her spouse,
 60 within 7 days after submission.

61 (2) If an association requires a background check as a
 62 component of a rental application, the association must waive
 63 such requirement for a servicemember if he or she produces proof
 64 of active duty military service by either a copy of the official
 65 military orders or a written verification signed by the
 66 servicemember's commanding officer.

67 (3) This section does not impair any contract or agreement
 68 between an association and a community association manager
 69 entered into on or before July 1, 2016.

70 Section 3. Section 720.318, Florida Statutes, is created
 71 to read:

72 720.318 Rental applications by servicemembers.-

73 (1) If an association requires a prospective tenant to
 74 complete a rental application before residing in a residential
 75 property within the community, the association must complete
 76 processing of a rental application submitted by a prospective
 77 tenant who is a servicemember, as defined in s. 250.01, or his
 78 or her spouse, within 7 days after submission.

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79 (2) If an association requires a background check as a
80 component of a rental application, the association must waive
81 such requirement for a servicemember if he or she produces proof
82 of active duty military service by either a copy of the official
83 military orders or a written verification signed by the
84 servicemember's commanding officer.

85 (3) This section does not impair any contract or agreement
86 between an association and a community association manager
87 entered into on or before July 1, 2016.

88 Section 4. This act shall take effect July 1, 2016.