

By Senator Evers

2-00137A-16

20161656__

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.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Present subsections (4) through (9) of section
23 83.49, Florida Statutes, are renumbered as subsections (5)
24 through (10), respectively, present subsection (4) of that
25 section is amended, and a new subsection (4) is added to that
26 section, to read:

27 83.49 Deposit money or advance rent; duty of landlord and
28 tenant.—

29 (4) A landlord may not require or receive from or on behalf
30 of a tenant who is a servicemember, as defined in s. 250.01, at
31 the beginning of a rental agreement any money other than the
32 payment of the first month's rent and a security deposit if the

2-00137A-16

20161656__

33 servicemember provides notice to the landlord of his or her
34 active duty military status. The notice to the landlord must be
35 accompanied by either a copy of the official military orders
36 showing the servicemember is on active duty or a written
37 verification signed by the servicemember's commanding officer.
38 The provisions of this subsection may not be waived or modified
39 by the agreement of the parties under any 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) subsections (3), (5), and (6), this section is not
50 applicable to housing authorities or public housing agencies
51 created pursuant to chapter 421 or other statutes.

52 Section 2. Section 718.129, Florida Statutes, is created to
53 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

2-00137A-16

20161656__

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 to
71 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.

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.