

By Senator Artiles

40-01455-17

20171594__

1 A bill to be entitled
2 An act relating to military support; amending s.
3 83.49, F.S.; limiting the amount of payment of
4 security deposit and advance rent that a landlord may
5 require of a servicemember tenant; amending s. 83.683,
6 F.S.; requiring a landlord, a condominium association,
7 a cooperative association, or a homeowners'
8 association to complete the processing of a rental
9 application of a servicemember's spouse or adult
10 dependents within a specified timeframe; creating s.
11 338.162, F.S.; requiring the Department of
12 Transportation to establish a military discount
13 program for electronic tolling device accounts by a
14 specified date; establishing criteria for eligibility;
15 providing for application of a rebate credit toward
16 qualifying transactions on the registered transponder;
17 specifying restrictions and limitations; authorizing
18 the department to establish military discounts on the
19 initial purchase of a transponder or other electronic
20 tolling device; authorizing the department to adopt
21 rules; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (1) of section 83.49, Florida
26 Statutes, is amended to read:

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

29 (1) Whenever money is deposited or advanced by a tenant on

40-01455-17

20171594__

30 a rental agreement as security for performance of the rental
31 agreement or as advance rent for other than the next immediate
32 rental period, the landlord or the landlord's agent shall
33 either:

34 (a) Hold the total amount of such money in a separate non-
35 interest-bearing account in a Florida banking institution for
36 the benefit of the tenant or tenants. The landlord shall not
37 commingle such moneys with any other funds of the landlord or
38 hypothecate, pledge, or in any other way make use of such moneys
39 until such moneys are actually due the landlord;

40 (b) Hold the total amount of such money in a separate
41 interest-bearing account in a Florida banking institution for
42 the benefit of the tenant or tenants, in which case the tenant
43 shall receive and collect interest in an amount of at least 75
44 percent of the annualized average interest rate payable on such
45 account or interest at the rate of 5 percent per year, simple
46 interest, whichever the landlord elects. The landlord shall not
47 commingle such moneys with any other funds of the landlord or
48 hypothecate, pledge, or in any other way make use of such moneys
49 until such moneys are actually due the landlord; or

50 (c) Post a surety bond, executed by the landlord as
51 principal and a surety company authorized and licensed to do
52 business in the state as surety, with the clerk of the circuit
53 court in the county in which the dwelling unit is located in the
54 total amount of the security deposits and advance rent he or she
55 holds on behalf of the tenants or \$50,000, whichever is less.
56 The bond shall be conditioned upon the faithful compliance of
57 the landlord with the provisions of this section and shall run
58 to the Governor for the benefit of any tenant injured by the

40-01455-17

20171594__

59 landlord's violation of the provisions of this section. In
60 addition to posting the surety bond, the landlord shall pay to
61 the tenant interest at the rate of 5 percent per year, simple
62 interest. A landlord, or the landlord's agent, engaged in the
63 renting of dwelling units in five or more counties, who holds
64 deposit moneys or advance rent and who is otherwise subject to
65 the provisions of this section, may, in lieu of posting a surety
66 bond in each county, elect to post a surety bond in the form and
67 manner provided in this paragraph with the office of the
68 Secretary of State. The bond shall be in the total amount of the
69 security deposit or advance rent held on behalf of tenants or in
70 the amount of \$250,000, whichever is less. The bond shall be
71 conditioned upon the faithful compliance of the landlord with
72 the provisions of this section and shall run to the Governor for
73 the benefit of any tenant injured by the landlord's violation of
74 this section. In addition to posting a surety bond, the landlord
75 shall pay to the tenant interest on the security deposit or
76 advance rent held on behalf of that tenant at the rate of 5
77 percent per year simple interest.

78

79 If the tenant is a servicemember, the landlord may not require
80 payment of a security deposit and advance rent that exceeds, in
81 the aggregate, the total sum of rent that would be due for a 60-
82 day period.

83 Section 2. Section 83.683, Florida Statutes, is amended to
84 read:

85 83.683 Rental application by a servicemember.—

86 (1) If a landlord requires a prospective tenant to complete
87 a rental application before residing in a rental unit, the

40-01455-17

20171594__

88 landlord must complete processing of a rental application
89 submitted by a prospective tenant who is a servicemember, as
90 defined in s. 250.01, within 7 days after submission and must,
91 within that 7-day period, notify the servicemember in writing of
92 an application approval or denial and, if denied, the reason for
93 denial. If the landlord requires the servicemember's spouse or
94 any adult dependents of the servicemember who are to reside in
95 the same rental unit to submit a rental application, the
96 landlord must process those applications within the same 7-day
97 period. Absent a timely denial of the rental application, the
98 landlord must lease the rental unit to the servicemember if all
99 other terms of the application and lease are complied with.

100 (2) If a condominium association, as defined in chapter
101 718, a cooperative association, as defined in chapter 719, or a
102 homeowners' association, as defined in chapter 720, requires a
103 prospective tenant of a condominium unit, cooperative unit, or
104 parcel within the association's control to complete a rental
105 application before residing in a rental unit or parcel, the
106 association must complete processing of a rental application
107 submitted by a prospective tenant who is a servicemember, as
108 defined in s. 250.01, within 7 days after submission and must,
109 within that 7-day period, notify the servicemember in writing of
110 an application approval or denial and, if denied, the reason for
111 denial. If the association requires the servicemember's spouse
112 or any adult dependents of the servicemember who are to reside
113 in the same unit or parcel to submit a rental application, the
114 association must process those applications within the same 7-
115 day period. Absent a timely denial of the rental application,
116 the association must allow the unit or parcel owner to lease the

40-01455-17

20171594__

117 rental unit or parcel to the servicemember and the landlord must
118 lease the rental unit or parcel to the servicemember if all
119 other terms of the application and lease are complied with.

120 (3) The provisions of this section may not be waived or
121 modified by the agreement of the parties under any
122 circumstances.

123 Section 3. Section 338.162, Florida Statutes, is created to
124 read:

125 338.162 Military discount program for electronic tolling
126 device accounts.-

127 (1) By January 1, 2018, the department shall establish a
128 military discount program for accounts for a toll transponder or
129 a similar electronic tolling device held by servicemembers, as
130 defined in s. 250.01, in order to defray commuting costs.

131 (2) In order to establish eligibility for the program, the
132 servicemember must provide a copy of his or her current military
133 identification card and his or her transponder number to the
134 department. The transponder number must be tied to an account
135 that is owned by the servicemember and for which he or she is
136 personally responsible for replenishing account funds.

137 (3) Once the department processes and approves an
138 application, a servicemember must be issued a 50 percent rebate
139 credit if his or her transponder registers 30 or more paid
140 transactions for the calendar month, not including transactions
141 at toll facilities whose revenues are pledged to the repayment
142 of bonds. The rebate credit shall be applied toward transactions
143 that count toward the minimum calendar month threshold. The
144 rebate credit shall appear on the servicemember's statement the
145 following month if the minimum threshold for qualifying

40-01455-17

20171594__

146 transactions is reached.

147 (4) A rebate credit may not be issued to an account if the
148 account has a zero dollar balance. A servicemember may not
149 register more than one transponder to receive any discounts
150 authorized under this section. A servicemember who registers a
151 transponder for the discount program under this section may not
152 receive any other discounts and rebates applied toward the use
153 of the registered transponder.

154 (5) The department may establish discounts on a
155 servicemember's initial purchase of a transponder or other
156 similar electronic tolling device.

157 (6) The department may adopt rules to implement and
158 administer this section.

159 Section 4. This act shall take effect July 1, 2017.