

By Senator Broxson

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1                   A bill to be entitled  
2           An act relating to military affairs; amending s.  
3           83.49, F.S.; prohibiting a landlord from requiring a  
4           prospective tenant who is a servicemember to deposit  
5           or advance more than a certain amount of funds;  
6           amending s. 83.682, F.S.; providing an additional  
7           circumstance under which a servicemember may terminate  
8           a rental agreement; amending s. 197.572, F.S.;  
9           providing that the title to certain lands remains  
10          subject to an easement to prevent encroachment of  
11          military installations after a tax sale or the  
12          issuance of a tax certificate in foreclosure  
13          proceedings; amending s. 288.980, F.S.; requiring the  
14          Florida Defense Support Task Force, rather than the  
15          Department of Economic Opportunity, to administer  
16          specified programs relating to military base  
17          retention; amending s. 288.987, F.S.; removing  
18          obsolete language; providing that the president of  
19          Enterprise Florida, Inc., is the executive director of  
20          the Florida Defense Support Task Force; providing that  
21          the chair of the Florida Defense Alliance is an ex  
22          officio member of the task force; providing duties of  
23          Enterprise Florida, Inc., in connection with the task  
24          force; amending s. 295.187, F.S.; authorizing a state  
25          agency to set aside a certain amount of funds  
26          allocated for the procurement of personal property and  
27          services for contracts with certified veteran business  
28          enterprises; amending s. 570.71, F.S.; prohibiting  
29          certain construction or activities that are

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30 incompatible with the mission of a military  
31 installation on certain land under a rural-lands-  
32 protection easement; providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Subsection (10) is added to section 83.49,  
37 Florida Statutes, to read:

38 83.49 Deposit money or advance rent; duty of landlord and  
39 tenant.-

40 (10) If the tenant is a servicemember, a landlord may not  
41 require payment of a security deposit or advance rent that  
42 exceeds, in the aggregate, the total sum of rent that would be  
43 due in a 60-day period under the rental agreement.

44 Section 2. Subsection (1) of section 83.682, Florida  
45 Statutes, is amended to read:

46 83.682 Termination of rental agreement by a servicemember.-

47 (1) Any servicemember may terminate his or her rental  
48 agreement by providing the landlord with a written notice of  
49 termination to be effective on the date stated in the notice  
50 that is at least 30 days after the landlord's receipt of the  
51 notice if any of the following criteria are met:

52 (a) The servicemember is required, pursuant to a permanent  
53 change of station orders, to move 35 miles or more from the  
54 location of the rental premises;

55 (b) The servicemember is prematurely or involuntarily  
56 discharged or released from active duty or state active duty;

57 (c) The servicemember is released from active duty or state  
58 active duty after having leased the rental premises while on

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59 active duty or state active duty status and the rental premises  
60 is 35 miles or more from the servicemember's home of record  
61 prior to entering active duty or state active duty;

62 (d) After entering into a rental agreement, the  
63 servicemember receives military orders requiring him or her to  
64 move into government quarters or the servicemember becomes  
65 eligible to live in and opts to move into government quarters or  
66 privatized military housing;

67 (e) The servicemember receives temporary duty orders,  
68 temporary change of station orders, or state active duty orders  
69 to an area 35 miles or more from the location of the rental  
70 premises, provided such orders are for a period exceeding 60  
71 days; or

72 (f) The servicemember has leased the property, but prior to  
73 taking possession of the rental premises, receives a change of  
74 orders to an area that is 35 miles or more from the location of  
75 the rental premises.

76 Section 3. Section 197.572, Florida Statutes, is amended to  
77 read:

78 197.572 Easements for conservation purposes, prevention of  
79 encroachment of military installations, or for public service  
80 purposes or for drainage or ingress and egress survive tax sales  
81 and deeds.—When any lands are sold for the nonpayment of taxes,  
82 or any tax certificate is issued thereon by a governmental unit  
83 or agency or pursuant to any tax lien foreclosure proceeding,  
84 the title to the lands shall continue to be subject to any  
85 easement for conservation purposes as provided in s. 704.06, for  
86 the purpose of preventing the encroachment of military  
87 installations as provided in s. 288.980(2), or for telephone,

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88 telegraph, pipeline, power transmission, or other public service  
89 purpose and shall continue to be subject to any easement for the  
90 purposes of drainage or of ingress and egress to and from other  
91 land. The easement and the rights of the owner of it shall  
92 survive and be enforceable after the execution, delivery, and  
93 recording of a tax deed, a master's deed, or a clerk's  
94 certificate of title pursuant to foreclosure of a tax deed, tax  
95 certificate, or tax lien, to the same extent as though the land  
96 had been conveyed by voluntary deed. The easement must be  
97 evidenced by written instrument recorded in the office of the  
98 clerk of the circuit court in the county where such land is  
99 located before the recording of such tax deed or master's deed,  
100 or, if not recorded, an easement for a public service purpose  
101 must be evidenced by wires, poles, or other visible occupation,  
102 an easement for drainage must be evidenced by a waterway, water  
103 bed, or other visible occupation, and an easement for the  
104 purpose of ingress and egress must be evidenced by a road or  
105 other visible occupation to be entitled to the benefit of this  
106 section; however, this shall apply only to tax deeds issued  
107 after the effective date of this act.

108 Section 4. Paragraph (d) of subsection (2), paragraphs (a),  
109 (c), and (d) of subsection (3), and subsections (4), (5), (6),  
110 and (8) of section 288.980, Florida Statutes, are amended to  
111 read:

112 288.980 Military base retention; legislative intent; grants  
113 program.—

114 (2)

115 (d) Funds appropriated to the Military Base Protection  
116 Program ~~this program~~ may be used to address emergent needs

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117 relating to mission sustainment, encroachment reduction or  
118 prevention, and base retention. All funds appropriated for the  
119 purposes of the ~~this~~ program are eligible to be used for  
120 matching of federal funds. The Florida Defense Support Task  
121 Force ~~department~~ shall coordinate and implement the ~~this~~  
122 program.

123 (3) (a) The Florida Defense Support Task Force ~~department~~ is  
124 authorized to manage and award grants on a competitive basis  
125 from any funds available to it to support activities related to  
126 the Florida Defense Reinvestment Grant Program and the Florida  
127 Defense Infrastructure Grant Program.

128 (c) The Florida Defense Support Task Force ~~department~~ shall  
129 require that an applicant:

- 130 1. Represent a local government with a military  
131 installation or military installations that could be adversely  
132 affected by federal actions.
- 133 2. Agree to match at least 30 percent of any grant awarded.
- 134 3. Prepare a coordinated program or plan of action  
135 delineating how the eligible project will be administered and  
136 accomplished.
- 137 4. Provide documentation describing the potential for  
138 changes to the mission of a military installation located in the  
139 applicant's community and the potential impacts such changes  
140 will have on the applicant's community.

141 (d) In making grant awards the Florida Defense Support Task  
142 Force ~~department~~ shall consider, at a minimum, the following  
143 factors:

- 144 1. The relative value of the particular military  
145 installation in terms of its importance to the local and state

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146 economy relative to other military installations.

147 2. The potential job displacement within the local  
148 community should the mission of the military installation be  
149 changed.

150 3. The potential impact on industries and technologies  
151 which service the military installation.

152 (4) The Florida Defense Reinvestment Grant Program is  
153 established to respond to the need for this state to work in  
154 conjunction with defense-dependent communities in developing and  
155 implementing strategies and approaches that will help  
156 communities support the missions of military installations, and  
157 in developing and implementing alternative economic  
158 diversification strategies to transition from a defense economy  
159 to a nondefense economy. Eligible applicants include defense-  
160 dependent counties and cities, and local economic development  
161 councils located within such communities. The program shall be  
162 administered by the Florida Defense Support Task Force  
163 ~~department~~ and grant awards may be provided to support  
164 community-based activities that:

165 (a) Protect existing military installations;

166 (b) Diversify the economy of a defense-dependent community;

167 or

168 (c) Develop plans for the reuse of closed or realigned  
169 military installations, including any plans necessary for  
170 infrastructure improvements needed to facilitate reuse and  
171 related marketing activities.

172  
173 Applications for grants under this subsection must include a  
174 coordinated program of work or plan of action delineating how

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175 the eligible project will be administered and accomplished,  
176 which must include a plan for ensuring close cooperation between  
177 civilian and military authorities in the conduct of the funded  
178 activities and a plan for public involvement.

179 (5) The Defense Infrastructure Grant Program is created.  
180 The Florida Defense Support Task Force ~~department~~ shall  
181 coordinate and implement this program, the purpose of which is  
182 to support local infrastructure projects deemed to have a  
183 positive impact on the military value of installations within  
184 the state. Funds are to be used for projects that benefit both  
185 the local community and the military installation.  
186 Infrastructure projects to be funded under this program include,  
187 but are not limited to, those related to encroachment,  
188 transportation and access, utilities, communications, housing,  
189 environment, and security. Grant requests will be accepted only  
190 from economic development applicants serving in the official  
191 capacity of a governing board of a county, municipality, special  
192 district, or state agency that will have the authority to  
193 maintain the project upon completion. An applicant must  
194 represent a community or county in which a military installation  
195 is located. There is no limit as to the amount of any grant  
196 awarded to an applicant. A match by the county or local  
197 community may be required. The program may not be used to fund  
198 on-base military construction projects. The department shall  
199 enter into a contract with the task force ~~establish guidelines~~  
200 to implement the purpose of this subsection.

201 (6) The Florida Defense Support Task Force ~~department~~ may  
202 award nonfederal matching funds specifically appropriated for  
203 construction, maintenance, and analysis of a Florida defense

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204 workforce database. Such funds will be used to create a registry  
205 of worker skills that can be used to match the worker needs of  
206 companies that are relocating to this state or to assist workers  
207 in relocating to other areas within this state where similar or  
208 related employment is available.

209 (8) The department shall enter into a contract with the  
210 Florida Defense Support Task Force ~~establish guidelines~~ to  
211 implement and carry out the purpose and intent of this section.

212 Section 5. Present subsections (6) and (7) of section  
213 288.987, Florida Statutes, are renumbered as subsections (7) and  
214 (8), respectively, paragraph (d) of subsection (3) and  
215 subsection (5) of that section are amended, and a new subsection  
216 (6) is added to that section, to read:

217 288.987 Florida Defense Support Task Force.—

218 (3) The task force shall be comprised of the Governor or  
219 his or her designee, and 12 members appointed as follows:

220 (d) Appointed members must represent defense-related  
221 industries or communities that host military bases and  
222 installations. ~~All appointments must be made by August 1, 2011.~~  
223 Members shall serve for a term of 4 years, ~~with the first term~~  
224 ~~ending July 1, 2015.~~ However, if members of the Legislature are  
225 appointed to the task force, those members shall serve until the  
226 expiration of their legislative term and may be reappointed  
227 once. A vacancy shall be filled for the remainder of the  
228 unexpired term in the same manner as the initial appointment.  
229 All members of the council are eligible for reappointment. A  
230 member who serves in the Legislature may participate in all task  
231 force activities but may only vote on matters that are advisory.

232 (5) The president of Enterprise Florida, Inc., ~~executive~~

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233 ~~director of the Department of Economic Opportunity,~~ or his or  
234 her designee, shall serve as the ex officio, nonvoting executive  
235 director of the task force. Enterprise Florida, Inc., shall  
236 serve as the administrative agent of the task force and may  
237 serve as the task force's representative; provide staffing,  
238 administrative, and logistical support to the task force and its  
239 mission; and enter into and execute contracts on behalf of the  
240 task force.

241 (6) The chair of the Florida Defense Alliance as  
242 established in s. 288.980(1)(b) shall serve as an ex officio,  
243 nonvoting member of the task force and shall advise the task  
244 force on issues affecting the defense community.

245 Section 6. Present paragraph (c) of subsection (4) of  
246 section 295.187, Florida Statutes, is redesignated as paragraph  
247 (d), and a new paragraph (c) is added to that subsection, to  
248 read:

249 295.187 Florida Veteran Business Enterprise Opportunity  
250 Act.—

251 (4) VENDOR PREFERENCE.—

252 (c) A state agency may set aside up to 10 percent of the  
253 total funds allocated for the procurement of personal property  
254 and services for the purpose of entering into contracts with  
255 certified veteran business enterprises. Such contracts must be  
256 competitively solicited among only certified veteran business  
257 enterprises.

258 Section 7. Subsection (3) and paragraph (a) of subsection  
259 (5) of section 570.71, Florida Statutes, are amended to read:

260 570.71 Conservation easements and agreements.—

261 (3) Rural-lands-protection easements shall be a perpetual

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262 right or interest in agricultural land which is appropriate to  
263 retain such land in predominantly its current state and to  
264 prevent the subdivision and conversion of such land into other  
265 uses. This right or interest in property shall prohibit only the  
266 following:

267 (a) Construction or placing of buildings, roads, billboards  
268 or other advertising, utilities, or structures, except those  
269 structures and unpaved roads necessary for the agricultural  
270 operations on the land or structures necessary for other  
271 activities allowed under the easement, and except for linear  
272 facilities described in s. 704.06(11).~~†~~

273 (b) Subdivision of the property.~~†~~

274 (c) Dumping or placing of trash, waste, or offensive  
275 materials.~~†~~ ~~and~~

276 (d) Activities that affect the natural hydrology of the  
277 land or that detrimentally affect water conservation, erosion  
278 control, soil conservation, or fish or wildlife habitat, except  
279 those required for environmental restoration; federal, state, or  
280 local government regulatory programs; or best management  
281 practices.

282 (e) Construction of structures or other activities that are  
283 incompatible with the mission of a military installation, when  
284 the land lies within an area identified as a clear zone or an  
285 accident potential zone or within Military Influence Planning  
286 Area 1 or 2 as established in the Joint Land Use Study of such  
287 installation.

288 (5) Agricultural protection agreements shall be for terms  
289 of 30 years and will provide payments to landowners having  
290 significant natural areas on their land. Public access and

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291 public recreational opportunities may be negotiated at the  
292 request of the landowner.

293 (a) For the length of the agreement, the landowner shall  
294 agree to prohibit all of the following:

295 1. Construction or placing of buildings, roads, billboards  
296 or other advertising, utilities, or structures, except those  
297 structures and unpaved roads necessary for the agricultural  
298 operations on the land or structures necessary for other  
299 activities allowed under the easement, and except for linear  
300 facilities described in s. 704.06(11).~~†~~

301 2. Subdivision of the property.~~†~~

302 3. Dumping or placing of trash, waste, or offensive  
303 materials.~~;~~ ~~and~~

304 4. Activities that affect the natural hydrology of the  
305 land, or that detrimentally affect water conservation, erosion  
306 control, soil conservation, or fish or wildlife habitat.

307 5. Construction of structures or other activities that are  
308 incompatible with the mission of a military installation, when  
309 the land lies within an area identified as a clear zone or an  
310 accident potential zone or within Military Influence Planning  
311 Area 1 or 2 as established in the Joint Land Use Study of such  
312 installation.

313 Section 8. This act shall take effect July 1, 2018.