

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.