

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 a certain amount of funds; amending s.
6 83.682, F.S.; authorizing a tenant who is a
7 servicemember to terminate a rental agreement under
8 certain circumstances; amending s. 197.572, F.S.;
9 providing that the title to certain lands remains
10 subject to an easement for specified purposes;
11 amending s. 288.980, F.S.; transferring certain duties
12 and responsibilities from the Department of Economic
13 Opportunity to the Florida Defense Support Task Force;
14 amending s. 288.987, F.S.; removing obsolete language;
15 providing that the president of Enterprise Florida,
16 Inc., is the executive director of the Florida Defense
17 Support Task Force; providing that the chair of the
18 Florida Defense Alliance is an ex officio member of
19 the task force; providing duties of Enterprise
20 Florida, Inc.; amending s. 570.71, F.S.; prohibiting
21 certain construction or activities incompatible with
22 the mission of a military installation on certain land
23 under a rural-lands-protection easement; providing an
24 effective date.
25

26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 | Section 1. Subsection (10) is added to section 83.49,
29 | Florida Statutes, to read:

30 | 83.49 Deposit money or advance rent; duty of landlord and
31 | tenant.—

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

36 | Section 2. Subsection (1) of section 83.682, Florida
37 | Statutes, is amended to read:

38 | 83.682 Termination of rental agreement by a
39 | servicemember.—

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

45 | (a) The servicemember is required, pursuant to a permanent
46 | change of station orders, to move 35 miles or more from the
47 | location of the rental premises;

48 | (b) The servicemember is prematurely or involuntarily
49 | discharged or released from active duty or state active duty;

50 | (c) The servicemember is released from active duty or

51 state active duty after having leased the rental premises while
52 on active duty or state active duty status and the rental
53 premises is 35 miles or more from the servicemember's home of
54 record prior to entering active duty or state active duty;

55 (d) After entering into a rental agreement, the
56 servicemember receives military orders requiring him or her to
57 move into government quarters or the servicemember becomes
58 eligible to live in and opts to move into government quarters or
59 privatized military housing;

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

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

69 Section 3. Section 197.572, Florida Statutes, is amended
70 to read:

71 197.572 Easements for conservation purposes, or for public
72 service purposes or for drainage or ingress and egress survive
73 tax sales and deeds.—When any lands are sold for the nonpayment
74 of taxes, or any tax certificate is issued thereon by a
75 governmental unit or agency or pursuant to any tax lien

76 foreclosure proceeding, the title to the lands shall continue to
77 be subject to any easement for conservation purposes as provided
78 in s. 704.06, for the purpose of preventing the encroachment of
79 military installations as provided in s. 288.980(2), or for
80 telephone, telegraph, pipeline, power transmission, or other
81 public service purpose and shall continue to be subject to any
82 easement for the purposes of drainage or of ingress and egress
83 to and from other land. The easement and the rights of the owner
84 of it shall survive and be enforceable after the execution,
85 delivery, and recording of a tax deed, a master's deed, or a
86 clerk's certificate of title pursuant to foreclosure of a tax
87 deed, tax certificate, or tax lien, to the same extent as though
88 the land had been conveyed by voluntary deed. The easement must
89 be evidenced by written instrument recorded in the office of the
90 clerk of the circuit court in the county where such land is
91 located before the recording of such tax deed or master's deed,
92 or, if not recorded, an easement for a public service purpose
93 must be evidenced by wires, poles, or other visible occupation,
94 an easement for drainage must be evidenced by a waterway, water
95 bed, or other visible occupation, and an easement for the
96 purpose of ingress and egress must be evidenced by a road or
97 other visible occupation to be entitled to the benefit of this
98 section; however, this shall apply only to tax deeds issued
99 after the effective date of this act.

100 Section 4. Paragraph (d) of subsection (2), paragraphs

101 (a), (c), and (d) of subsection (3), and subsections (4), (5),
102 (6), and (8) of section 288.980, Florida Statutes, are amended
103 to read:

104 288.980 Military base retention; legislative intent;
105 grants program.—

106 (2)

107 (d) Funds appropriated to this program may be used to
108 address emergent needs relating to mission sustainment,
109 encroachment reduction or prevention, and base retention. All
110 funds appropriated for the purposes of this program are eligible
111 to be used for matching of federal funds. The Florida Defense
112 Support Task Force ~~department~~ shall coordinate and implement
113 this program.

114 (3) (a) The Florida Defense Support Task Force ~~department~~
115 is authorized to manage and award grants on a competitive basis
116 from any funds available to it to support activities related to
117 the Florida Defense Reinvestment Grant Program and the Florida
118 Defense Infrastructure Grant Program.

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

121 1. Represent a local government with a military
122 installation or military installations that could be adversely
123 affected by federal actions.

124 2. Agree to match at least 30 percent of any grant
125 awarded.

126 3. Prepare a coordinated program or plan of action
127 delineating how the eligible project will be administered and
128 accomplished.

129 4. Provide documentation describing the potential for
130 changes to the mission of a military installation located in the
131 applicant's community and the potential impacts such changes
132 will have on the applicant's community.

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

136 1. The relative value of the particular military
137 installation in terms of its importance to the local and state
138 economy relative to other military installations.

139 2. The potential job displacement within the local
140 community should the mission of the military installation be
141 changed.

142 3. The potential impact on industries and technologies
143 which service the military installation.

144 (4) The Florida Defense Reinvestment Grant Program is
145 established to respond to the need for this state to work in
146 conjunction with defense-dependent communities in developing and
147 implementing strategies and approaches that will help
148 communities support the missions of military installations, and
149 in developing and implementing alternative economic
150 diversification strategies to transition from a defense economy

151 to a nondefense economy. Eligible applicants include defense-
152 dependent counties and cities, and local economic development
153 councils located within such communities. The program shall be
154 administered by the Florida Defense Support Task Force
155 ~~department~~ and grant awards may be provided to support
156 community-based activities that:

157 (a) Protect existing military installations;

158 (b) Diversify the economy of a defense-dependent
159 community; or

160 (c) Develop plans for the reuse of closed or realigned
161 military installations, including any plans necessary for
162 infrastructure improvements needed to facilitate reuse and
163 related marketing activities.

164

165 Applications for grants under this subsection must include a
166 coordinated program of work or plan of action delineating how
167 the eligible project will be administered and accomplished,
168 which must include a plan for ensuring close cooperation between
169 civilian and military authorities in the conduct of the funded
170 activities and a plan for public involvement.

171 (5) The Defense Infrastructure Grant Program is created.

172 The Florida Defense Support Task Force ~~department~~ shall
173 coordinate and implement this program, the purpose of which is
174 to support local infrastructure projects deemed to have a
175 positive impact on the military value of installations within

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

193 (6) The Florida Defense Support Task Force ~~department~~ may
194 award nonfederal matching funds specifically appropriated for
195 construction, maintenance, and analysis of a Florida defense
196 workforce database. Such funds will be used to create a registry
197 of worker skills that can be used to match the worker needs of
198 companies that are relocating to this state or to assist workers
199 in relocating to other areas within this state where similar or
200 related employment is available.

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

204 Section 5. Subsections (6) and (7) of section 288.987,
205 Florida Statutes, are renumbered as subsections (7) and (8),
206 respectively, paragraph (d) of subsection (3) and subsection (5)
207 of that section are amended, and a new subsection (6) is added
208 to that section, to read:

209 288.987 Florida Defense Support Task Force.—

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

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

224 (5) The president of Enterprise Florida, Inc., executive
225 ~~director of the Department of Economic Opportunity,~~ or his or

226 her designee, shall serve as the ex officio, nonvoting executive
227 director of the task force. Enterprise Florida, Inc., shall
228 serve as the administrative agent of the task force and may
229 serve as the task force's representative; provide staffing,
230 administrative, and logistical support to the task force and its
231 mission; and enter into and execute contracts on behalf of the
232 task force.

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

237 Section 6. Subsection (3) and paragraph (a) of subsection
238 (5) of section 570.71, Florida Statutes, are amended to read:

239 570.71 Conservation easements and agreements.—

240 (3) Rural-lands-protection easements shall be a perpetual
241 right or interest in agricultural land which is appropriate to
242 retain such land in predominantly its current state and to
243 prevent the subdivision and conversion of such land into other
244 uses. This right or interest in property shall prohibit only the
245 following:

246 (a) Construction or placing of buildings, roads,
247 billboards or other advertising, utilities, or structures,
248 except those structures and unpaved roads necessary for the
249 agricultural operations on the land or structures necessary for
250 other activities allowed under the easement, and except for

251 linear facilities described in s. 704.06(11).~~†~~

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

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

255 (d) Activities that affect the natural hydrology of the
256 land or that detrimentally affect water conservation, erosion
257 control, soil conservation, or fish or wildlife habitat, except
258 those required for environmental restoration; federal, state, or
259 local government regulatory programs; or best management
260 practices.

261 (e) Construction of structures or other activities that
262 are incompatible with the mission of a military installation
263 when the land lies within an area identified as a clear zone,
264 accident potential zone, or Military Influence Planning Area 1
265 or 2 as established in the Joint Land Use Study of such
266 installation.

267 (5) Agricultural protection agreements shall be for terms
268 of 30 years and will provide payments to landowners having
269 significant natural areas on their land. Public access and
270 public recreational opportunities may be negotiated at the
271 request of the landowner.

272 (a) For the length of the agreement, the landowner shall
273 agree to prohibit:

274 1. Construction or placing of buildings, roads, billboards
275 or other advertising, utilities, or structures, except those

276 structures and unpaved roads necessary for the agricultural
 277 operations on the land or structures necessary for other
 278 activities allowed under the easement, and except for linear
 279 facilities described in s. 704.06(11).~~†~~

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

281 3. Dumping or placing of trash, waste, or offensive
 282 materials.~~†~~ and

283 4. Activities that affect the natural hydrology of the
 284 land, or that detrimentally affect water conservation, erosion
 285 control, soil conservation, or fish or wildlife habitat.

286 5. Construction of structures or other activities that are
 287 incompatible with the mission of a military installation when
 288 the land lies within an area identified as a clear zone,
 289 accident potential zone, or Military Influence Planning Area 1
 290 or 2 as established in the Joint Land Use Study of such
 291 installation.

292 Section 7. This act shall take effect July 1, 2018.