

By the Committee on Military and Veterans Affairs and Space; and
Senator Broxson

583-03836-19

2019620c1

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. 163.3175, F.S.;
9 revising applicability with respect to certain
10 military installations; amending s. 197.572, F.S.;
11 providing that the title to certain lands remains
12 subject to an easement to prevent encroachment of
13 military installations after a tax sale or the
14 issuance of a tax certificate in foreclosure
15 proceedings; amending s. 288.980, F.S.; revising the
16 definition of the term "activities"; amending s.
17 570.71, F.S.; prohibiting certain construction or
18 activities that are incompatible with the mission of a
19 military installation on certain land under a rural-
20 lands-protection easement; amending s. 1003.05, F.S.;
21 requiring public schools to accept a permanent change
22 of station order as proof of residency for certain
23 programs; amending s. 1009.21, F.S.; revising when
24 active duty members of the Armed Services of the
25 United States are classified as residents for tuition
26 purposes; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

583-03836-19

2019620c1

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

32 83.49 Deposit money or advance rent; duty of landlord and
33 tenant.—

34 (10) If the tenant is a servicemember, a landlord may not
35 require payment of a security deposit or advance rent that
36 exceeds, in the aggregate, the total sum of rent that would be
37 due in a 2-month period under the rental agreement, excluding
38 prorated rent.

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

41 83.682 Termination of rental agreement by a servicemember.—

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

47 (a) The servicemember is required, pursuant to a permanent
48 change of station orders, to move 35 miles or more from the
49 location of the rental premises.~~†~~

50 (b) The servicemember is prematurely or involuntarily
51 discharged or released from active duty or state active duty.~~†~~

52 (c) The servicemember is released from active duty or state
53 active duty after having leased the rental premises while on
54 active duty or state active duty status and the rental premises
55 is 35 miles or more from the servicemember's home of record
56 prior to entering active duty or state active duty.~~†~~

57 (d) After entering into a rental agreement, the
58 servicemember receives military orders requiring him or her to

583-03836-19

2019620c1

59 move into government quarters or the servicemember becomes
60 eligible to live in and opts to move into government quarters or
61 privatized military housing.†

62 (e) The servicemember receives temporary duty orders,
63 temporary change of station orders, or state active duty orders
64 to an area 35 miles or more from the location of the rental
65 premises, provided such orders are for a period exceeding 2
66 months. ~~60 days; or~~

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

71 Section 3. Present paragraphs (m) and (n) of subsection (2)
72 of section 163.3175, Florida Statutes, are redesignated as
73 paragraphs (n) and (o), respectively, and a new paragraph (m)
74 and paragraph (p) are added to that subsection, to read:

75 163.3175 Legislative findings on compatibility of
76 development with military installations; exchange of information
77 between local governments and military installations.—

78 (2) Certain major military installations, due to their
79 mission and activities, have a greater potential for
80 experiencing compatibility and coordination issues than others.
81 Consequently, this section and the provisions in s.

82 163.3177(6)(a), relating to compatibility of land development
83 with military installations, apply to specific affected local
84 governments in proximity to and in association with specific
85 military installations, as follows:

86 (m) Naval Support Activity Orlando, including Bugg Spring
87 and Naval Ordnance Test Unit, associated with Orange County and

583-03836-19

2019620c1

88 Orlando.

89 (p) United States Southern Command, associated with Miami-
90 Dade County and Doral.

91 Section 4. Section 197.572, Florida Statutes, is amended to
92 read:

93 197.572 Easements for conservation purposes, prevention of
94 encroachment of military installations, public service purposes,
95 support of certain improvements, or drainage or ingress and
96 egress survive tax sales and deeds.—When any lands are sold for
97 the nonpayment of taxes, or any tax certificate is issued
98 thereon by a governmental unit or agency or pursuant to any tax
99 lien foreclosure proceeding, the title to the lands shall
100 continue to be subject to any easement for conservation purposes
101 as provided in s. 704.06, for the purpose of preventing the
102 encroachment of military installations as provided in s.
103 288.980(2), or for telephone, telegraph, pipeline, power
104 transmission, or other public service purpose; and shall
105 continue to be subject to any easement that supports
106 improvements that may be constructed above the lands; and any
107 easement for the purposes of drainage or of ingress and egress
108 to and from other land. The easement and the rights of the owner
109 of it shall survive and be enforceable after the execution,
110 delivery, and recording of a tax deed, a master's deed, or a
111 clerk's certificate of title pursuant to foreclosure of a tax
112 deed, tax certificate, or tax lien, to the same extent as though
113 the land had been conveyed by voluntary deed. The easement must
114 be evidenced by written instrument recorded in the office of the
115 clerk of the circuit court in the county where such land is
116 located before the recording of such tax deed or master's deed,

583-03836-19

2019620c1

117 or, if not recorded, an easement for a public service purpose
118 must be evidenced by wires, poles, or other visible occupation,
119 an easement for drainage must be evidenced by a waterway, water
120 bed, or other visible occupation, and an easement for the
121 purpose of ingress and egress must be evidenced by a road or
122 other visible occupation to be entitled to the benefit of this
123 section; however, this shall apply only to tax deeds issued
124 after the effective date of this act.

125 Section 5. Paragraph (b) of subsection (3) of section
126 288.980, Florida Statutes, is amended to read:

127 288.980 Military base retention; legislative intent; grants
128 program.—

129 (3)

130 (b) The term "activities" as used in this section means
131 studies, presentations, analyses, plans, ~~and~~ modeling,
132 marketing, advocacy, sponsorships, outreach, and military-
133 related community support events. For the purposes of the
134 Florida Defense Infrastructure Grant Program, the term
135 "activities" also includes, but is not limited to, construction,
136 land purchases, and easements. Staff salaries are not considered
137 an "activity" for which grant funds may be awarded. Travel costs
138 and costs incidental thereto incurred by a grant recipient shall
139 be considered an "activity" for which grant funds may be
140 awarded.

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

143 570.71 Conservation easements and agreements.—

144 (3) Rural-lands-protection easements shall be a perpetual
145 right or interest in agricultural land which is appropriate to

583-03836-19

2019620c1

146 retain such land in predominantly its current state and to
147 prevent the subdivision and conversion of such land into other
148 uses. This right or interest in property shall prohibit only the
149 following:

150 (a) Construction or placing of buildings, roads, billboards
151 or other advertising, utilities, or structures, except those
152 structures and unpaved roads necessary for the agricultural
153 operations on the land or structures necessary for other
154 activities allowed under the easement, and except for linear
155 facilities described in s. 704.06(11).~~†~~

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

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

159 (d) Activities that affect the natural hydrology of the
160 land or that detrimentally affect water conservation, erosion
161 control, soil conservation, or fish or wildlife habitat, except
162 those required for environmental restoration; federal, state, or
163 local government regulatory programs; or best management
164 practices.

165 (e) Construction of structures or other activities that are
166 incompatible with the mission of a military installation, when
167 the land lies within an area identified as a clear zone or an
168 accident potential zone or within Military Influence Planning
169 Area 1 or 2 as established in the Joint Land Use Study of the
170 installation.

171 (5) Agricultural protection agreements shall be for terms
172 of 30 years and will provide payments to landowners having
173 significant natural areas on their land. Public access and
174 public recreational opportunities may be negotiated at the

583-03836-19

2019620c1

175 request of the landowner.

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

178 1. Construction or placing of buildings, roads, billboards
179 or other advertising, utilities, or structures, except those
180 structures and unpaved roads necessary for the agricultural
181 operations on the land or structures necessary for other
182 activities allowed under the easement, and except for linear
183 facilities described in s. 704.06(11).~~†~~

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

185 3. Dumping or placing of trash, waste, or offensive
186 materials.~~†~~ ~~and~~

187 4. Activities that affect the natural hydrology of the
188 land, or that detrimentally affect water conservation, erosion
189 control, soil conservation, or fish or wildlife habitat.

190 5. Construction of structures or other activities that are
191 incompatible with the mission of a military installation, when
192 the land lies within an area identified as a clear zone or an
193 accident potential zone or within Military Influence Planning
194 Area 1 or 2 as established in the Joint Land Use Study of the
195 installation.

196 Section 7. Subsection (4) is added to section 1003.05,
197 Florida Statutes, and subsection (3) of that section is
198 republished, to read:

199 1003.05 Assistance to transitioning students from military
200 families.—

201 (3) Dependent children of active duty military personnel
202 who otherwise meet the eligibility criteria for special academic
203 programs offered through public schools shall be given first

583-03836-19

2019620c1

204 preference for admission to such programs even if the program is
205 being offered through a public school other than the school to
206 which the student would generally be assigned. If such a program
207 is offered through a public school other than the school to
208 which the student would generally be assigned, the parent or
209 guardian of the student must assume responsibility for
210 transporting the student to that school. For purposes of this
211 subsection, special academic programs include magnet schools,
212 advanced studies programs, advanced placement, dual enrollment,
213 Advanced International Certificate of Education, and
214 International Baccalaureate.

215 (4) Public schools must accept a permanent change of
216 station order that relocates a military family to a local
217 military installation as proof of residency for all public
218 school authorized programs including, but not limited to, the
219 programs listed in subsection (3).

220 Section 8. Paragraphs (a) and (b) of subsection (10) of
221 section 1009.21, Florida Statutes, are amended to read:

222 1009.21 Determination of resident status for tuition
223 purposes.—Students shall be classified as residents or
224 nonresidents for the purpose of assessing tuition in
225 postsecondary educational programs offered by charter technical
226 career centers or career centers operated by school districts,
227 in Florida College System institutions, and in state
228 universities.

229 (10) The following persons shall be classified as residents
230 for tuition purposes:

231 (a) Active duty members of the Armed Services of the United
232 States residing or stationed in this state at the time of

583-03836-19

2019620c1

233 acceptance, their spouses, and dependent children, and active
234 drilling members of the Florida National Guard.

235 (b) Active duty members of the Armed Services of the United
236 States and their spouses and dependents attending a Florida
237 College System institution or state university within 50 miles
238 of the military establishment where they are stationed at the
239 time of acceptance to a Florida College System institution or
240 state university, if such military establishment is within a
241 county contiguous to Florida.

242 Section 9. This act shall take effect July 1, 2019.