

By the Committees on Rules; and Military and Veterans Affairs
and Space; and 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. 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.
17 320.08058, F.S.; directing the Department of Highway
18 Safety and Motor Vehicles to develop a Blue Angels
19 license plate; providing for the distribution and use
20 of fees collected from the sale of such plate;
21 amending s. 570.71, F.S.; prohibiting certain
22 construction or activities that are incompatible with
23 the mission of a military installation on certain land
24 under a rural-lands-protection easement; amending s.
25 1003.05, F.S.; requiring public schools to accept a
26 permanent change of station order as proof of
27 residency for certain programs; amending s. 1009.21,
28 F.S.; revising when active duty members of the Armed
29 Services of the United States are classified as

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30 residents for tuition purposes; providing an effective
31 date.

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33 Be It Enacted by the Legislature of the State of Florida:

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

37 83.49 Deposit money or advance rent; duty of landlord and
38 tenant.—

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

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 1 month ~~30 days~~ after the landlord's receipt of
51 the 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 2
71 months. ~~60 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. Present paragraphs (m) and (n) of subsection (2)
77 of section 163.3175, Florida Statutes, are redesignated as
78 paragraphs (n) and (o), respectively, and a new paragraph (m)
79 and paragraph (p) are added to that subsection, to read:

80 163.3175 Legislative findings on compatibility of
81 development with military installations; exchange of information
82 between local governments and military installations.—

83 (2) Certain major military installations, due to their
84 mission and activities, have a greater potential for
85 experiencing compatibility and coordination issues than others.
86 Consequently, this section and the provisions in s.
87 163.3177(6) (a), relating to compatibility of land development

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88 with military installations, apply to specific affected local
89 governments in proximity to and in association with specific
90 military installations, as follows:

91 (m) Naval Support Activity Orlando, including Bugg Spring
92 and Naval Ordnance Test Unit, associated with Orange County and
93 Orlando.

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

96 Section 4. Section 197.572, Florida Statutes, is amended to
97 read:

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

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117 deed, tax certificate, or tax lien, to the same extent as though
118 the land had been conveyed by voluntary deed. The easement must
119 be evidenced by written instrument recorded in the office of the
120 clerk of the circuit court in the county where such land is
121 located before the recording of such tax deed or master's deed,
122 or, if not recorded, an easement for a public service purpose
123 must be evidenced by wires, poles, or other visible occupation,
124 an easement for drainage must be evidenced by a waterway, water
125 bed, or other visible occupation, and an easement for the
126 purpose of ingress and egress must be evidenced by a road or
127 other visible occupation to be entitled to the benefit of this
128 section; however, this shall apply only to tax deeds issued
129 after the effective date of this act.

130 Section 5. Paragraph (b) of subsection (3) of section
131 288.980, Florida Statutes, is amended to read:

132 288.980 Military base retention; legislative intent; grants
133 program.—

134 (3)

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

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146 Section 6. Subsection (84) is added to section 320.08058,
147 Florida Statutes, to read:

148 320.08058 Specialty license plates.—

149 (84) BLUE ANGELS LICENSE PLATES.—

150 (a) The department shall develop a Blue Angels license
151 plate as provided in this section and s. 320.08053. The plate
152 must bear the colors and design approved by the department. The
153 word "Florida" must appear at the top of the plate, and the
154 words "Home of the Blue Angels" must appear at the bottom of the
155 plate; however, the development of the plate is contingent upon
156 the enactment of legislation creating an annual use fee under s.
157 320.08056 for the Blue Angels license plate.

158 (b) The annual use fees from the sale of the plate shall be
159 distributed to the Naval Aviation Museum Foundation, a nonprofit
160 Florida corporation under s. 501(c)(3) of the Internal Revenue
161 Code, to fund the maintenance, programs, marketing, and projects
162 of the foundation, including the National Naval Aviation Museum
163 and the National Flight Academy in Pensacola. Up to 15 percent
164 of the funds received by the Naval Aviation Museum Foundation
165 may be used for marketing of the plate and costs directly
166 associated with the administration of the foundation. The Naval
167 Aviation Museum Foundation shall distribute 50 percent of the
168 funds to eligible programs and projects associated with the
169 National Flight Academy and the remainder of the funds to
170 eligible programs and projects associated with the National
171 Naval Aviation Museum.

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

174 570.71 Conservation easements and agreements.—

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175 (3) Rural-lands-protection easements shall be a perpetual
176 right or interest in agricultural land which is appropriate to
177 retain such land in predominantly its current state and to
178 prevent the subdivision and conversion of such land into other
179 uses. This right or interest in property shall prohibit only the
180 following:

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

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

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

190 (d) Activities that affect the natural hydrology of the
191 land or that detrimentally affect water conservation, erosion
192 control, soil conservation, or fish or wildlife habitat, except
193 those required for environmental restoration; federal, state, or
194 local government regulatory programs; or best management
195 practices.

196 (e) Construction of structures or other activities that are
197 incompatible with the mission of a military installation, when
198 the land lies within an area identified as a clear zone or an
199 accident potential zone or within Military Influence Planning
200 Area 1 or 2 as established in the Joint Land Use Study of the
201 installation.

202 (5) Agricultural protection agreements shall be for terms
203 of 30 years and will provide payments to landowners having

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204 significant natural areas on their land. Public access and
205 public recreational opportunities may be negotiated at the
206 request of the landowner.

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

209 1. Construction or placing of buildings, roads, billboards
210 or other advertising, utilities, or structures, except those
211 structures and unpaved roads necessary for the agricultural
212 operations on the land or structures necessary for other
213 activities allowed under the easement, and except for linear
214 facilities described in s. 704.06(11).~~†~~

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

216 3. Dumping or placing of trash, waste, or offensive
217 materials.~~†~~ ~~and~~

218 4. Activities that affect the natural hydrology of the
219 land, or that detrimentally affect water conservation, erosion
220 control, soil conservation, or fish or wildlife habitat.

221 5. Construction of structures or other activities that are
222 incompatible with the mission of a military installation, when
223 the land lies within an area identified as a clear zone or an
224 accident potential zone or within Military Influence Planning
225 Area 1 or 2 as established in the Joint Land Use Study of the
226 installation.

227 Section 8. Subsection (4) is added to section 1003.05,
228 Florida Statutes, and subsection (3) of that section is
229 republished, to read:

230 1003.05 Assistance to transitioning students from military
231 families.—

232 (3) Dependent children of active duty military personnel

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233 who otherwise meet the eligibility criteria for special academic
234 programs offered through public schools shall be given first
235 preference for admission to such programs even if the program is
236 being offered through a public school other than the school to
237 which the student would generally be assigned. If such a program
238 is offered through a public school other than the school to
239 which the student would generally be assigned, the parent or
240 guardian of the student must assume responsibility for
241 transporting the student to that school. For purposes of this
242 subsection, special academic programs include magnet schools,
243 advanced studies programs, advanced placement, dual enrollment,
244 Advanced International Certificate of Education, and
245 International Baccalaureate.

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

251 Section 9. Paragraphs (a) and (b) of subsection (10) of
252 section 1009.21, Florida Statutes, are amended to read:

253 1009.21 Determination of resident status for tuition
254 purposes.—Students shall be classified as residents or
255 nonresidents for the purpose of assessing tuition in
256 postsecondary educational programs offered by charter technical
257 career centers or career centers operated by school districts,
258 in Florida College System institutions, and in state
259 universities.

260 (10) The following persons shall be classified as residents
261 for tuition purposes:

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262 (a) Active duty members of the Armed Services of the United
263 States residing or stationed in this state at the time of
264 acceptance, their spouses, and dependent children, and active
265 drilling members of the Florida National Guard.

266 (b) Active duty members of the Armed Services of the United
267 States and their spouses and dependents attending a Florida
268 College System institution or state university within 50 miles
269 of the military establishment where they are stationed at the
270 time of acceptance to a Florida College System institution or
271 state university, if such military establishment is within a
272 county contiguous to Florida.

273 Section 10. This act shall take effect July 1, 2019.