

1 A bill to be entitled
2 An act relating to military-friendly initiatives;
3 amending s. 83.49, F.S.; limiting the amount a
4 landlord may charge a servicemember tenant for a
5 security deposit and advance rent; amending s. 83.682,
6 F.S.; revising circumstances under which a
7 servicemember may terminate a rental agreement;
8 amending s. 163.3175, F.S.; specifying additional
9 military installations that may exchange certain
10 information with local governments regarding
11 compatibility of land development; amending s.
12 197.572, F.S.; providing that an easement for certain
13 military lands continues after a tax sale or deed
14 execution; amending s. 288.980, F.S.; revising the
15 definition of the term "activities" for purposes of
16 certain military grant programs; authorizing the
17 Defense Infrastructure Grant Program to fund on-base
18 military construction projects in certain counties;
19 amending s. 570.71, F.S.; prohibiting certain
20 construction or activities that are incompatible with
21 the mission of a military installation on certain land
22 under a rural-lands-protection easement; amending s.
23 1003.05, F.S.; requiring school districts to accept
24 certain military orders as proof of residency of
25 dependent children for admission to district programs;

26 | amending s. 1009.21, F.S.; revising requirements for
 27 | active duty servicemembers and their families to be
 28 | classified as residents for tuition purposes;
 29 | providing an effective date.

30 |
 31 | Be It Enacted by the Legislature of the State of Florida:

32 |
 33 | Section 1. Subsection (1) of section 83.49, Florida
 34 | Statutes, is amended to read:

35 | 83.49 Deposit money or advance rent; duty of landlord and
 36 | tenant.—

37 | (1) Whenever money is deposited or advanced by a tenant on
 38 | a rental agreement as security for performance of the rental
 39 | agreement or as advance rent for other than the next immediate
 40 | rental period, the landlord or the landlord's agent shall
 41 | either:

42 | (a) Hold the total amount of such money in a separate non-
 43 | interest-bearing account in a Florida banking institution for
 44 | the benefit of the tenant or tenants. The landlord shall not
 45 | commingle such moneys with any other funds of the landlord or
 46 | hypothecate, pledge, or in any other way make use of such moneys
 47 | until such moneys are actually due the landlord;

48 | (b) Hold the total amount of such money in a separate
 49 | interest-bearing account in a Florida banking institution for
 50 | the benefit of the tenant or tenants, in which case the tenant

51 shall receive and collect interest in an amount of at least 75
52 percent of the annualized average interest rate payable on such
53 account or interest at the rate of 5 percent per year, simple
54 interest, whichever the landlord elects. The landlord shall not
55 commingle such moneys with any other funds of the landlord or
56 hypothecate, pledge, or in any other way make use of such moneys
57 until such moneys are actually due the landlord; or

58 (c) Post a surety bond, executed by the landlord as
59 principal and a surety company authorized and licensed to do
60 business in the state as surety, with the clerk of the circuit
61 court in the county in which the dwelling unit is located in the
62 total amount of the security deposits and advance rent he or she
63 holds on behalf of the tenants or \$50,000, whichever is less.
64 The bond shall be conditioned upon the faithful compliance of
65 the landlord with the provisions of this section and shall run
66 to the Governor for the benefit of any tenant injured by the
67 landlord's violation of the provisions of this section. In
68 addition to posting the surety bond, the landlord shall pay to
69 the tenant interest at the rate of 5 percent per year, simple
70 interest. A landlord, or the landlord's agent, engaged in the
71 renting of dwelling units in five or more counties, who holds
72 deposit moneys or advance rent and who is otherwise subject to
73 the provisions of this section, may, in lieu of posting a surety
74 bond in each county, elect to post a surety bond in the form and
75 manner provided in this paragraph with the office of the

76 Secretary of State. The bond shall be in the total amount of the
77 security deposit or advance rent held on behalf of tenants or in
78 the amount of \$250,000, whichever is less. The bond shall be
79 conditioned upon the faithful compliance of the landlord with
80 the provisions of this section and shall run to the Governor for
81 the benefit of any tenant injured by the landlord's violation of
82 this section. In addition to posting a surety bond, the landlord
83 shall pay to the tenant interest on the security deposit or
84 advance rent held on behalf of that tenant at the rate of 5
85 percent per year simple interest.

86
87 If the tenant is a servicemember, the landlord may not require
88 payment of a security deposit and advance rent that exceeds, in
89 the aggregate, the total sum of rent that would be due for a 60-
90 day period.

91 Section 2. Paragraph (d) of subsection (1) of section
92 83.682, Florida Statutes, is amended to read:

93 83.682 Termination of rental agreement by a
94 servicemember.—

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

100 (d) After entering into a rental agreement, the

101 servicemember receives military orders requiring him or her to
102 move into government quarters or the servicemember becomes
103 eligible to live in and opts to move into government quarters or
104 Public Private Venture (PPV) housing contracted for the purpose
105 of housing servicemembers;

106 Section 3. Paragraphs (i) through (n) of subsection (2) of
107 section 163.3175, Florida Statutes, are redesignated as
108 paragraphs (j) through (o), respectively, and new paragraphs (i)
109 and (p) are added to that subsection to read:

110 163.3175 Legislative findings on compatibility of
111 development with military installations; exchange of information
112 between local governments and military installations.—

113 (2) Certain major military installations, due to their
114 mission and activities, have a greater potential for
115 experiencing compatibility and coordination issues than others.
116 Consequently, this section and the provisions in s.
117 163.3177(6)(a), relating to compatibility of land development
118 with military installations, apply to specific affected local
119 governments in proximity to and in association with specific
120 military installations, as follows:

121 (i) Naval Support Activity Orlando, including Bugg Spring
122 and Naval Ordinance Test Unit, associated with Orange County and
123 Orlando.

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

126 Section 4. Section 197.572, Florida Statutes, is amended
 127 to read:

128 197.572 Certain easements ~~for conservation purposes,~~
 129 ~~public service purposes, support of certain improvements, or~~
 130 ~~drainage or ingress and egress~~ survive tax sales and deeds.—

131 (1) When any lands are sold for the nonpayment of taxes,
 132 or any tax certificate is issued thereon by a governmental unit
 133 or agency or pursuant to any tax lien foreclosure proceeding,
 134 the title to the lands shall continue to be subject to any
 135 easement:

136 (a) For conservation purposes as provided in s. 704.06 or
 137 for telephone, telegraph, pipeline, power transmission, or other
 138 public service purpose.†

139 (b) ~~and shall continue to be subject to any easement~~ That
 140 supports improvements that may be constructed above the lands.†

141 (c) ~~and any easement~~ For the purposes of drainage or of
 142 ingress and egress to and from other land.

143 (d) For base buffering encroachment lands acquired through
 144 a fee simple or less-than-fee simple acquisition under s.
 145 288.980(2)(b).

146 (2) An ~~The~~ easement described in subsection (1) and the
 147 rights of the owner of the easement ~~it~~ shall survive and be
 148 enforceable after the execution, delivery, and recording of a
 149 tax deed, a master's deed, or a clerk's certificate of title
 150 pursuant to foreclosure of a tax deed, tax certificate, or tax

151 | lien, to the same extent as though the land had been conveyed by
152 | voluntary deed. The easement must be evidenced by written
153 | instrument recorded in the office of the clerk of the circuit
154 | court in the county where such land is located before the
155 | recording of such tax deed or master's deed, or, if not
156 | recorded, an easement for a public service purpose must be
157 | evidenced by wires, poles, or other visible occupation, an
158 | easement for drainage must be evidenced by a waterway, water
159 | bed, or other visible occupation, and an easement for the
160 | purpose of ingress and egress must be evidenced by a road or
161 | other visible occupation to be entitled to the benefit of this
162 | section; however, this shall apply only to tax deeds issued
163 | after the effective date of this act.

164 | Section 5. Paragraph (b) of subsection (3) and subsection
165 | (5) of section 288.980, Florida Statutes, are amended to read:

166 | 288.980 Military base retention; legislative intent;
167 | grants program.—

168 | (3)

169 | (b) The term "activities" as used in this section means
170 | studies, presentations, analyses, plans, ~~and~~ modeling,
171 | marketing, advocacy, sponsorships, outreach, and military-
172 | related community support events. For the purposes of the
173 | Florida Defense Infrastructure Grant Program, the term
174 | "activities" also includes, but is not limited to, construction,
175 | land purchases, and easements. Staff salaries are not considered

176 an "activity" for which grant funds may be awarded. Travel costs
177 and costs incidental thereto incurred by a grant recipient shall
178 be considered an "activity" for which grant funds may be
179 awarded.

180 (5) The Defense Infrastructure Grant Program is created.
181 The department shall coordinate and implement this program, the
182 purpose of which is to support local infrastructure projects
183 deemed to have a positive impact on the military value of
184 installations within the state. Funds are to be used for
185 projects that benefit both the local community and the military
186 installation. Infrastructure projects to be funded under this
187 program include, but are not limited to, those related to
188 encroachment, transportation and access, utilities,
189 communications, housing, environment, and security. Grant
190 requests will be accepted only from economic development
191 applicants serving in the official capacity of a governing board
192 of a county, municipality, special district, or state agency
193 that will have the authority to maintain the project upon
194 completion. An applicant must represent a community or county in
195 which a military installation is located. There is no limit as
196 to the amount of any grant awarded to an applicant. A match by
197 the county or local community may be required. The program may
198 ~~not~~ be used to fund on-base military construction projects in a
199 county with a population of fewer than 300,000. The department
200 shall establish guidelines to implement the purpose of this

201 subsection.

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

204 570.71 Conservation easements and agreements.—

205 (3) Rural-lands-protection easements shall be a perpetual
 206 right or interest in agricultural land which is appropriate to
 207 retain such land in predominantly its current state and to
 208 prevent the subdivision and conversion of such land into other
 209 uses. This right or interest in property shall prohibit only the
 210 following:

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

217 (b) Subdivision of the property.†

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

220 (d) Activities that affect the natural hydrology of the
 221 land or that detrimentally affect water conservation, erosion
 222 control, soil conservation, or fish or wildlife habitat, except
 223 those required for environmental restoration; federal, state, or
 224 local government regulatory programs; or best management
 225 practices.

226 (e) Construction of structures or other activities that
 227 are incompatible with the mission of a military installation,
 228 when the land lies within an area identified as a clear zone or
 229 an accident potential zone or within Military Influence Planning
 230 Area 1 or 2 as established in the Joint Land Use Study of the
 231 installation.

232 (5) Agricultural protection agreements shall be for terms
 233 of 30 years and will provide payments to landowners having
 234 significant natural areas on their land. Public access and
 235 public recreational opportunities may be negotiated at the
 236 request of the landowner.

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

239 1. Construction or placing of buildings, roads, billboards
 240 or other advertising, utilities, or structures, except those
 241 structures and unpaved roads necessary for the agricultural
 242 operations on the land or structures necessary for other
 243 activities allowed under the easement, and except for linear
 244 facilities described in s. 704.06(11).~~†~~

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

246 3. Dumping or placing of trash, waste, or offensive
 247 materials.~~†~~~~and~~

248 4. Activities that affect the natural hydrology of the
 249 land, or that detrimentally affect water conservation, erosion
 250 control, soil conservation, or fish or wildlife habitat.

251 5. Construction of structures or other activities that are
252 incompatible with the mission of a military installation, when
253 the land lies within an area identified as a clear zone or an
254 accident potential zone or within Military Influence Planning
255 Area 1 or 2 as established in the Joint Land Use Study of the
256 installation.

257 Section 7. Subsection (4) is added to section 1003.05,
258 Florida Statutes, to read:

259 1003.05 Assistance to transitioning students from military
260 families.—

261 (4) A school district shall accept a permanent change of
262 station order relocating a military family to a local military
263 installation as proof of residency of each dependent child
264 listed in the order for the child's admission to all district-
265 authorized programs, including, but not limited to, those
266 programs provided in subsection (3).

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

269 1009.21 Determination of resident status for tuition
270 purposes.—Students shall be classified as residents or
271 nonresidents for the purpose of assessing tuition in
272 postsecondary educational programs offered by charter technical
273 career centers or career centers operated by school districts,
274 in Florida College System institutions, and in state
275 universities.

276 (10) The following persons shall be classified as
 277 residents for tuition purposes:

278 (a) Active duty members of the Armed Services of the
 279 United States ~~residing or stationed in this state~~, their
 280 spouses, and their dependent children residing or stationed in
 281 this state at the time of acceptance to a Florida College System
 282 institution or state university, and active drilling members of
 283 the Florida National Guard.

284 (b) Active duty members of the Armed Services of the
 285 United States and their spouses and dependents attending a
 286 Florida College System institution or state university within 50
 287 miles of the military establishment where they are stationed, if
 288 such military establishment is within a county contiguous to
 289 Florida at the time of acceptance to the Florida College System
 290 institution or state university.

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