

By Senator Broxson

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A bill to be entitled

An act relating to military affairs; amending s. 83.49, F.S.; prohibiting a landlord from requiring a prospective tenant who is a servicemember to deposit or advance more than a certain amount of funds; amending s. 83.682, F.S.; providing an additional circumstance under which a servicemember may terminate a rental agreement; amending s. 163.3175, F.S.; revising applicability with respect to certain military installations; amending s. 197.572, F.S.; providing that the title to certain lands remains subject to an easement to prevent encroachment of military installations after a tax sale or the issuance of a tax certificate in foreclosure proceedings; amending s. 288.980, F.S.; revising the definition of the term "activities"; amending s. 570.71, F.S.; prohibiting certain construction or activities that are incompatible with the mission of a military installation on certain land under a rural-lands-protection easement; amending s. 1003.05, F.S.; requiring public schools to accept a permanent change of station order as proof of residency for certain programs; amending s. 1009.21, F.S.; revising when active duty members of the Armed Services of the United States are classified as residents for tuition purposes; providing an effective date.

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

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

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

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

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

83.682 Termination of rental agreement by a servicemember.—

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

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

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

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

(d) After entering into a rental agreement, the servicemember receives military orders requiring him or her to move into government quarters or the servicemember becomes

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59 eligible to live in and opts to move into government quarters or
60 privatized military housing.~~+~~

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

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

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

74 163.3175 Legislative findings on compatibility of
75 development with military installations; exchange of information
76 between local governments and military installations.—

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

81 163.3177(6)(a), relating to compatibility of land development
82 with military installations, apply to specific affected local
83 governments in proximity to and in association with specific
84 military installations, as follows:

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

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

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

92 197.572 Easements for conservation purposes, prevention of
93 encroachment of military installations, public service purposes,
94 support of certain improvements, or drainage or ingress and
95 egress survive tax sales and deeds.—When any lands are sold for
96 the nonpayment of taxes, or any tax certificate is issued
97 thereon by a governmental unit or agency or pursuant to any tax
98 lien foreclosure proceeding, the title to the lands shall
99 continue to be subject to any easement for conservation purposes
100 as provided in s. 704.06, for the purpose of preventing the
101 encroachment of military installations as provided in s.
102 288.980(2), or for telephone, telegraph, pipeline, power
103 transmission, or other public service purpose; and shall
104 continue to be subject to any easement that supports
105 improvements that may be constructed above the lands; and any
106 easement for the purposes of drainage or of ingress and egress
107 to and from other land. The easement and the rights of the owner
108 of it shall survive and be enforceable after the execution,
109 delivery, and recording of a tax deed, a master's deed, or a
110 clerk's certificate of title pursuant to foreclosure of a tax
111 deed, tax certificate, or tax lien, to the same extent as though
112 the land had been conveyed by voluntary deed. The easement must
113 be evidenced by written instrument recorded in the office of the
114 clerk of the circuit court in the county where such land is
115 located before the recording of such tax deed or master's deed,
116 or, if not recorded, an easement for a public service purpose

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117 must be evidenced by wires, poles, or other visible occupation,
118 an easement for drainage must be evidenced by a waterway, water
119 bed, or other visible occupation, and an easement for the
120 purpose of ingress and egress must be evidenced by a road or
121 other visible occupation to be entitled to the benefit of this
122 section; however, this shall apply only to tax deeds issued
123 after the effective date of this act.

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

126 288.980 Military base retention; legislative intent; grants
127 program.—

128 (3)

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

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

142 570.71 Conservation easements and agreements.—

143 (3) Rural-lands-protection easements shall be a perpetual
144 right or interest in agricultural land which is appropriate to
145 retain such land in predominantly its current state and to

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146 prevent the subdivision and conversion of such land into other
147 uses. This right or interest in property shall prohibit only the
148 following:

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

155 (b) Subdivision of the property.~~+~~

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

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

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

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

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

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

183 2. Subdivision of the property.~~+~~

184 3. Dumping or placing of trash, waste, or offensive
185 materials.~~+~~ ~~and~~

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

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

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

198 1003.05 Assistance to transitioning students from military
199 families.—

200 (3) Dependent children of active duty military personnel
201 who otherwise meet the eligibility criteria for special academic
202 programs offered through public schools shall be given first
203 preference for admission to such programs even if the program is

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being offered through a public school other than the school to which the student would generally be assigned. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent or guardian of the student must assume responsibility for transporting the student to that school. For purposes of this subsection, special academic programs include magnet schools, advanced studies programs, advanced placement, dual enrollment, Advanced International Certificate of Education, and International Baccalaureate.

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

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

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

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

(a) Active duty members of the Armed Services of the United States residing or stationed in this state at the time of acceptance, their spouses, and dependent children, and active

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drilling members of the Florida National Guard.

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

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