

## Committee Substitute for Senate Bill No. 1098

An act relating to military affairs; creating pt. IV of ch. 250, F.S., the “Florida Uniformed Servicemembers Protection Act”; providing a popular name; providing legislative intent; providing for applicability of specified federal laws to servicemembers when serving on active duty or state active duty; providing for jurisdiction of the courts; providing for construction of pt. IV of ch. 250, F.S.; amending s. 83.43, F.S.; defining “servicemember,” “active duty,” and “state active duty” for purposes of the Florida Residential Landlord and Tenant Act; amending s. 83.64, F.S.; prohibiting retaliatory action by a landlord for termination of a rental agreement by a servicemember; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a servicemember in offering a dwelling unit for rent or in any of the terms of a rental agreement; providing for applicability of remedies to servicemembers who are prospective tenants and the subject of such discrimination; amending s. 83.682, F.S.; providing conditions under which a servicemember may terminate his or her rental agreement; revising terminology; revising liability of a servicemember in the event of early termination of a tenancy; amending s. 115.02, F.S.; revising provisions with respect to the granting of a leave of absence to an officer; amending s. 115.08, F.S.; revising the definition of “active military service” and “period of active military service” and providing a definition of “servicemember”; amending s. 115.09, F.S.; requiring the granting of leave of absence for state, county, and municipal officials who are servicemembers; repealing s. 115.10, F.S., relating to granting and denial of leave of absence for public officials by the Governor; amending s. 115.12, F.S.; revising provisions relating to rights during leave to provide that the employing authority must adhere to the provisions of the federal Uniformed Services Employment and Reemployment Rights Act; amending s. 115.13, F.S.; revising provisions relating to resumption of official duties; amending s. 115.14, F.S.; requiring the granting of leave of absence for state, county, and municipal employees; revising provisions with respect to supplemental pay for reservist officials and employees called to active military service; requiring an employing authority to continue to provide all health insurance and other existing benefits; amending s. 115.15, F.S.; providing for applicability of the federal Uniformed Services Employment and Reemployment Rights Act; amending s. 250.01, F.S.; providing definitions; amending s. 320.07, F.S.; exempting servicemembers from penalties for expiration of mobile home and motor vehicle registrations when such registrations expire while the servicemember is serving on active duty or state active duty; creating s. 364.195, F.S.; providing requirements and procedure with respect to termination of a telecommunications service contract by a servicemember; creating s. 520.14, F.S.; providing requirements and procedure with respect to the termination of a retail installment contract for leasing a motor vehicle by a servicemember; amending s. 627.7283, F.S.; requiring motor vehicle insurance companies to

refund the entire unearned portion of a premium upon cancellation of motor vehicle insurance by a servicemember when the servicemember is required to move pursuant to specified orders; creating s. 689.27, F.S.; providing definitions; providing requirements and procedure with respect to the termination of an agreement to purchase real property by a servicemember; amending s. 1009.531, F.S.; extending the eligibility period for the Florida Bright Futures Scholarship Program for students who enlist in the armed forces or reserves immediately after completion of high school; amending s. 1009.532, F.S.; providing eligibility for continuation of Florida Bright Futures Scholarships for students attending postsecondary institutions who are also Florida National Guard or United States Reserves servicemembers and are called to active duty or active state duty; providing an effective date.

WHEREAS, the United States is once again experiencing the mobilization and deployment of U.S. military troops, and

WHEREAS, while our military personnel are devoting their entire energy to the needs of our nation, we must ensure that the men and women of the United States military and their families are protected at home, and

WHEREAS, the additional protections and benefits provided by this act are necessary and proper given the sacrifice of our men and women in uniform and their families, NOW, THEREFORE,

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

Section 1. Part IV of chapter 250, Florida Statutes, consisting of sections 250.80, 250.81, 250.82, 250.83, and 250.84, is created to read:

#### PART IV

##### FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

250.80 Popular name.—Sections 250.80-250.84 may be known by the popular name the “Florida Uniformed Servicemembers Protection Act.”

250.81 Legislative intent.—It is the intent of the Legislature that men and women who serve in the Florida National Guard, the United States Armed Forces, and Armed Forces Reserves understand their rights under applicable state and federal laws. Further, it is the intent of the Legislature that Florida residents and businesses understand the rights afforded to the men and women who volunteer their time and sacrifice their lives to protect the freedoms granted by the Constitutions of the United States and the State of Florida.

250.82 Applicability of federal law.—

(1) Florida law provides certain protections to members of the United States Armed Forces, the United States Reserve Forces, and the Florida National Guard in various legal proceedings and contractual relationships. In addition to these state provisions, federal law also contains protections,

such as those provided in the Soldiers' and Sailors' Civil Relief Act (SSCRA), Title 50, Appendix United States Code, Section 501, et seq., and the Uniformed Services Employment and Reemployment Rights Act (USERRA), Title 38 United States Code, chapter 43, that are applicable to members in every state even though such provisions are not specifically identified under state law.

(2) To the extent allowed by federal law, the state courts shall have concurrent jurisdiction for enforcement over all causes of action arising from the provisions of federal law and may award a remedy as provided therein.

250.83 Construction of part.—In the event that any other provision of law conflicts with SSCRA, USERRA, or the provisions of this chapter, the provisions of SSCRA, USERRA, or the provisions of this chapter, whichever is applicable, shall control. Nothing in this part shall construe rights or responsibilities not provided under the SSCRA, USERRA, or this chapter.

250.84 Florida Uniformed Servicemembers Protection Act; rights of servicemembers; incorporation by reference.—

(1)(a) It is the intent of the Legislature to ensure that those individuals affected by the provisions of the Florida Uniformed Servicemembers Protection Act be made aware of the rights and responsibilities of servicemembers. The Department of Military Affairs shall make available a document containing the rights and responsibilities of servicemembers set forth in Florida Statutes, either through printed or electronic means, to appropriate state or local organizations composed of parties affected by said rights, including, but not limited to, those representing:

1. Motor vehicle dealers.
2. Financial institutions and mortgage brokers.
3. Telecommunications service companies.
4. Residential tenancies.
5. Real estate salespersons and brokers.
6. Members of the Florida Bar Association who serve on a military affairs-related committee.

(b) The Department of Military Affairs shall also make available a document containing the rights and responsibilities of servicemembers set forth in Florida Statutes, either through printed or electronic means, to servicemembers and their families.

(c) Such documents containing the rights and responsibilities of servicemembers set forth in this act shall include an enumeration of all rights and responsibilities under state and federal law, including, but not limited to:

1. The rights and responsibilities provided by the Florida Uniformed Servicemembers Protection Act, including a listing of all sections of Florida Statutes relating to servicemembers.

2. The rights and responsibilities provided by the Soldiers' and Sailors' Civil Relief Act.

3. The rights and responsibilities provided by the Uniformed Servicemembers Employment and Reemployment Rights Act.

Section 2. Subsections (14), (15), and (16) are added to section 83.43, Florida Statutes, to read:

83.43 Definitions.—As used in this part, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(14) "Servicemember" shall have the same meaning as provided in s. 250.01.

(15) "Active duty" shall have the same meaning as provided in s. 250.01.

(16) "State active duty" shall have the same meaning as provided in s. 250.01.

Section 3. Subsection (1) of section 83.64, Florida Statutes, is amended to read:

83.64 Retaliatory conduct.—

(1) It is unlawful for a landlord to discriminatorily increase a tenant's rent or decrease services to a tenant, or to bring or threaten to bring an action for possession or other civil action, primarily because the landlord is retaliating against the tenant. In order for the tenant to raise the defense of retaliatory conduct, the tenant must have acted in good faith. Examples of conduct for which the landlord may not retaliate include, but are not limited to, situations where:

(a) The tenant has complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the premises;

(b) The tenant has organized, encouraged, or participated in a tenants' organization; ~~or~~

(c) The tenant has complained to the landlord pursuant to s. 83.56(1); ~~or~~

(d) The tenant is a servicemember who has terminated a rental agreement pursuant to s. 83.682.

Section 4. Section 83.67, Florida Statutes, is amended to read:

83.67 Prohibited practices.—

(1) No landlord of any dwelling unit governed by this part shall cause, directly or indirectly, the termination or interruption of any utility service furnished the tenant, including, but not limited to, water, heat, light, electricity, gas, elevator, garbage collection, or refrigeration, whether or not the utility service is under the control of, or payment is made by, the landlord.

(2) No landlord of any dwelling unit governed by this part shall prevent the tenant from gaining reasonable access to the dwelling unit by any means, including, but not limited to, changing the locks or using any bootlock or similar device.

(3) No landlord of any dwelling unit governed by this part shall discriminate against a servicemember in offering a dwelling unit for rent or in any of the terms of the rental agreement.

~~(4)~~(3) No landlord of any dwelling unit governed by this part shall remove the outside doors, locks, roof, walls, or windows of the unit except for purposes of maintenance, repair, or replacement; nor shall the landlord remove the tenant's personal property from the dwelling unit unless said action is taken after surrender, abandonment, or a lawful eviction. If provided in the rental agreement or a written agreement separate from the rental agreement, upon surrender or abandonment by the tenant, the landlord is not required to comply with s. 715.104 and is not liable or responsible for storage or disposition of the tenant's personal property; if provided in the rental agreement there must be printed or clearly stamped on such rental agreement a legend in substantially the following form:

BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

For the purposes of this section, abandonment shall be as set forth in s. 83.59(3)(c).

~~(5)~~(4) A landlord who violates the provisions of this section shall be liable to the tenant for actual and consequential damages or 3 months' rent, whichever is greater, and costs, including attorney's fees. Subsequent or repeated violations which are not contemporaneous with the initial violation shall be subject to separate awards of damages.

~~(6)~~(5) A violation of this section shall constitute irreparable harm for the purposes of injunctive relief.

~~(7)~~(6) The remedies provided by this section are not exclusive and shall not preclude the tenant from pursuing any other remedy at law or equity which the tenant may have. The remedies provided by this section shall also apply to a servicemember who is a prospective tenant who has been discriminated against under subsection (3).

Section 5. Section 83.682, Florida Statutes, is amended to read:

83.682 Termination of rental agreement by a servicemember ~~member of the United States Armed Forces.~~—

(1)(a) Any servicemember ~~member of the United States Armed Forces who is required to move pursuant to permanent change of station orders to~~

depart 35 miles or more from the location of a rental premises or who is prematurely or involuntarily discharged or released from active duty with the United States Armed Forces 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 eligible to live in and opts to move into government quarters;

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

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

(2) The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember's ~~member's~~ commanding officer.

(3)(b) In the event a servicemember ~~member~~ of the United States Armed Forces dies during active duty, an adult member of his or her immediate family may terminate the servicemember's ~~member's~~ 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. The notice to the landlord must be accompanied by either a copy of the official military orders showing the servicemember was on active duty or a written verification signed by the servicemember's ~~member's~~ Commanding Officer and a copy of the servicemember's death certificate.

(4)(2) Upon termination of a rental agreement under this section, the tenant is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The tenant is not

liable for any other rent or damages due to the early termination of the tenancy as provided for in this section ~~except the liquidated damages provided in this section.~~ Notwithstanding any provision of this section to the contrary, if a tenant terminates the rental agreement pursuant to this section 14 or more days prior to occupancy, no damages or penalties of any kind will be assessable are due.

~~(3) In consideration of early termination of the rental agreement, the tenant is liable to the landlord for liquidated damages provided the tenant has completed less than 9 months of the tenancy and the landlord has suffered actual damages due to loss of the tenancy. The liquidated damages must be no greater than 1 month's rent if the tenant has completed less than 6 months of the tenancy as of the effective date of termination, or one-half of 1 month's rent if the tenant has completed at least 6 but not less than 9 months of the tenancy as of the effective date of termination.~~

~~(5)(4)~~ The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 6. Section 115.02, Florida Statutes, is amended to read:

115.02 Governor to grant application; proviso.—When any such officer shall be granted a leave of absence pursuant to this chapter ~~volunteer or be called into the service of the United States during war,~~ the Governor shall, upon application being made by such officer, grant such officer leave of absence during the time he or she shall be retained in such military service; provided, such service shall not extend beyond the term of office of such officer, in which event the office shall be filled by election at the expiration thereof.

Section 7. Section 115.08, Florida Statutes, is amended to read:

115.08 Definitions.—

(1) The term “active military service” as used in this chapter law shall signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard Army of the United States, the United States Navy, the Marine Corps of the United States, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces either with the army or the navy, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term “period of active military service” as used in this chapter law shall begin with the date of entering upon active military service, and shall terminate with death or a date 30 days immediately next succeeding the date of release or discharge from active military service, or upon return from active military service, whichever shall occur first.

(3) The term “servicemember” as used in this chapter shall have the same meaning as provided in s. 250.01.

Section 8. Section 115.09, Florida Statutes, is amended to read:

115.09 Leave to public officials for military service.—All officials of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and community college officers, which officials are also ~~servicemembers officers or enlisted personnel~~ in the National Guard or a reserve component of the Armed Forces of the United States, ~~shall may, subject to the provisions and conditions hereafter set forth,~~ be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay.

Section 9. Section 115.10, Florida Statutes, is repealed.

Section 10. Section 115.12, Florida Statutes, is amended to read:

115.12 Rights during leave.—

(1) During such leave of absence such official shall be entitled to preserve all seniority rights, efficiency ratings, promotional status and retirement privileges. The period of active military service shall, for purposes of computation to determine whether such person may be entitled to retirement under the laws of the state, be deemed continuous service in the office of said official. While absent on such leave without pay, said official shall not be required to make any contribution to any retirement fund.

(2) The employing authority shall adhere to all the provisions contained in the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 11. Section 115.13, Florida Statutes, is amended to read:

115.13 Resumption of official duties.—Upon said officer terminating his or her active military service, he or she shall ~~immediately~~ enter upon the duties of office for the unexpired portion of the term for which he or she was elected or appointed, in accordance with the limits provided under the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 12. Section 115.14, Florida Statutes, is amended to read:

115.14 Employees.—All employees of the state, the several counties of the state, and the municipalities or political subdivisions of the state ~~shall may, in the discretion of the employing authority of such employee,~~ be granted leave of absence under the terms of this law; upon such leave of absence being granted said employee shall enjoy the same rights and privileges as are hereby granted to officials under this law, insofar as may be, including, without limitation, receiving full pay for the first 30 days. Notwithstanding the provisions of s. 115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days ~~for the first 30 days with full pay and, thereafter,~~ in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time



they were called to active military duty. The employing authority ~~shall~~ may also, ~~in its discretion,~~ continue to provide all any health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 13. Section 115.15, Florida Statutes, is amended to read:

115.15 Adoption of federal law for employees.—The provisions of the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C., section 8 of chapter 720 Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, U.S.C.A.), insofar as it relates to the reemployment of public employees granted a leave of absence on active military duty under this law, shall be applicable in this state and the refusal of any state, county, or municipal official to comply therewith shall subject him or her to removal from office.

Section 14. Section 250.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 250.01, F.S., for present text.)

250.01 Definitions.—As used in this chapter, the term:

(1) “Active duty” means full-time duty in active military service of the United States. The term includes federal duty such as full-time training, annual training, and attendance while a person is in active military service or in a school designated as a service school by law or by the secretary of the applicable military department. The term does not mean full-time duty in the National Guard.

(2) “State active duty” means full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General in accordance with s. 250.06, s. 250.10, or s. 250.28 to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, enhance security and respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34 or to imminent danger of an emergency, enforce the law, carry out counter-drug operations, provide training, provide for the security of the rights or lives of the public, protect property, or conduct ceremonies. The term includes the duties of officers or enlisted personnel who are employed under the order of the Governor in recruiting; making tours of instruction; inspecting troops, armories, storehouses, campsites, rifle ranges, or military property; sitting on general or special courts-martial, boards of examination, courts of inquiry, or boards of officers; or making or assisting in physical examinations.

The terms shall also include the period during which a person in active military service is absent from duty as a result of illness, being wounded, being on leave, or other lawful cause.

(3) “SSCRA” means the Soldiers’ and Sailors’ Civil Relief Act, Title 50, Appendix U.S.C. s. 501 et seq.

(4) “Servicemember” means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

(5) “USERRA” means the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 15. Paragraph (e) is added to subsection (3) of section 320.07, Florida Statutes, present subsection (5) is renumbered as subsection (6) and amended, and a new subsection (5) is added to said section, to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(e) Any servicemember, as defined in s. 250.01, whose mobile home registration has expired while serving on active duty or state active duty shall not be charged with a violation of this subsection if, at the time of the offense, the servicemember was serving on active duty or state active duty 35 miles or more from the mobile home. The servicemember must present to the department either a copy of the official military orders or a written verification signed by the servicemember’s commanding officer to waive charges.

(5) Any servicemember, as defined in s. 250.01, whose motor vehicle or mobile home registration has expired while serving on active duty or state active duty, shall be able to renew his or her registration upon return from active duty or state active duty without penalty, if the servicemember served on active duty or state active duty 35 miles or more from the servicemember’s home of record prior to entering active duty or state active duty. The servicemember must provide to the department either a copy of the official military orders or a written verification signed by the servicemember’s commanding officer to waive delinquent fees.

~~(6)~~(5) Delinquent fees imposed under this section shall not be apportionable under the International Registration Plan.

Section 16. Section 364.195, Florida Statutes, is created to read:

364.195 Termination of telecommunications service contract by a servicemember.—

(1) Any servicemember, as defined in s. 250.01, may terminate his or her telecommunications service contract by providing the telecommunications company with a written notice of termination, effective on the date specified in the notice, which date shall be at least 30 days after receipt of the notice by the telecommunications company, if any of the following criteria are met:

(a) The servicemember is required, pursuant to a permanent change of station orders, to move outside the area served by the telecommunications company or to an area where the type of telecommunications service being provided to the servicemember is not available from the telecommunications company;

(b) The servicemember is discharged or released from active duty or state active duty and will return from such duty to an area not served by the telecommunications company or where the type of telecommunications service contracted for is not available from the telecommunications company;

(c) The servicemember is released from active duty or state active duty after having entered into a contract for telecommunications service while on active duty or state active duty status and the telecommunications company does not provide telecommunications service or the same type of telecommunications service contracted for in the region of the servicemember's home of record prior to entering active duty or state active duty;

(d) The servicemember receives military orders requiring him or her to move outside the continental United States; or

(e) The servicemember receives temporary duty orders, temporary change of station orders, or active duty or state active duty orders to an area not served by the telecommunications company or where the type of telecommunications service contracted for is not available from the telecommunications company, provided such orders are for a period exceeding 60 days.

(2) The written notice to the telecommunications company must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember's commanding officer.

(3) Upon termination of a contract under this section, the servicemember is liable for the amount due under the contract prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the contract. The servicemember is not liable for any other fees due to the early termination of the contract as provided for in this section.

(4) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 17. Section 520.14, Florida Statutes, is created to read:

520.14 Termination of retail installment contract for leasing a motor vehicle by a servicemember.—

(1) Any servicemember, as defined in s. 250.01, may terminate his or her retail installment contract for leasing a motor vehicle by providing the sales finance company with a written notice of termination, effective on the date specified in the notice, which date shall be at least 30 days after the receipt of the notice by the sales finance company, if any of the following criteria are met:

(a) The servicemember is required, pursuant to a permanent change of station, to move outside the continental United States; or

(b) The servicemember receives temporary duty orders, temporary change of station orders, or active duty orders outside the continental United States, provided such orders are for a period exceeding 60 days.

(2) The written notice to the sales finance company under subsection (1) must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember's commanding officer.

(3) Upon termination of a contract under this section, the lessee is liable for the amount due under the contract, prorated to the effective date of the termination, payable at such time as would have otherwise been required by the terms of the contract. The lessee is not liable for any other fees due to the early termination of the contract as provided for in this section.

(4) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 18. Subsection (5) is added to section 627.7283, Florida Statutes, to read:

627.7283 Cancellation; return of premium.—

(5) The insurer must refund 100 percent of the unearned premium if the insured is a servicemember, as defined in s. 250.01, who cancels because he or she is called to active duty or transferred by the United States Armed Forces to a location where the insurance is not required. The insurer may require a servicemember to submit either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to support the refund authorized under this subsection. If the insurer cancels, the insurer must refund 100 percent of the unearned premium. Cancellation is without prejudice to any claim originating prior to the effective date of the cancellation. For purposes of this section, unearned premiums must be computed on a pro rata basis.

Section 19. Section 689.27, Florida Statutes, is created to read:

689.27 Termination of agreement to purchase real property by a servicemember.—

(1) Notwithstanding any other provisions of law and for the purposes of this section:

(a) "Closing" means the finalizing of the sale of property, upon which title to the property is transferred from the seller to the buyer.

(b) "Contract" means an instrument purporting to contain an agreement to purchase real property.

(c) "Property" means a house, condominium, or mobile home that a servicemember intends to purchase to serve as his or her primary residence.

(d) “Servicemember” shall have the same meaning as provided in s. 250.01.

(2) Any servicemember may terminate a contract to purchase property, prior to closing on such property, by providing the seller or mortgagor of the property with a written notice of termination to be effective immediately, if any of the following criteria are met:

(a) The servicemember is required, pursuant to permanent change of station orders received after entering into a contract for the property and prior to closing, to move 35 miles or more from the location of the property;

(b) The servicemember is released from active duty or state active duty after having agreed to purchase the property and prior to closing while serving on active duty or state active duty status, and the property is 35 miles or more from the servicemember’s home of record prior to entering active duty or state active duty;

(c) Prior to closing, the servicemember receives military orders requiring him or her to move into government quarters or the servicemember becomes eligible to live in and opts to move into government quarters; or

(d) Prior to closing, the servicemember receives temporary duty orders, temporary change of station orders, or active duty or state active duty orders to an area 35 miles or more from the location of the property, provided such orders are for a period exceeding 90 days.

(3) The notice to the seller or mortgagor canceling the contract must be accompanied by either a copy of the official military orders or a written verification signed by the servicemember’s commanding officer.

(4) Upon termination of a contract under this section, the seller or mortgagor or his or her agent shall refund any funds provided by the servicemember under the contract within 7 days. The servicemember is not liable for any other fees due to the termination of the contract as provided for in this section.

(5) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

Section 20. Subsection (2) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(2) A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high

school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall commence upon the date of separation from active duty.

Section 21. Subsection (1) of section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship.

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medalion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; ~~or~~

2. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year; ~~or~~

3. If a student is receiving a Florida Bright Futures Scholarship, is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.

Section 22. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.