

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1475 Uniformed Servicemembers Act
SPONSOR(S): Ambler
TIED BILLS: None. **IDEN./SIM. BILLS:** H 477, H 505, 1st ENG/S 482, CS/S 1098

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Veterans' & Military Affairs</u>	<u>5 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	<u>14 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill creates the "Florida Uniformed Servicemembers Protection Act" which allows servicemen and women to cancel car leases, car insurance, cell phone contracts, residential rental leases, and real estate purchase contracts when they are deployed on active duty. The bill clarifies leave-of-absence provisions for state, county, and municipal officers and employees that are called to active duty in the Armed Forces.

The bill requires real estate agents and community association managers to receive information about the rights of servicemembers as part of their continuing education requirements. The bill adopts into Florida law the federal provisions of the Soldiers and Sailors Civil Relief Act (SSCRA) and the Uniformed Services Employment and Reemployment Relief Act (USERRA). This allows the Florida's servicemembers the ability to use the state court system to remedy cases and controversies arising out of this bill. The bill provides a clear protection for servicemembers from discrimination in rental properties.

This bill does not appear to have a fiscal impact on the state budget.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1475d.lgv.doc
DATE: March 28, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill creates the “Florida Uniformed Servicemembers Protection Act” which allows servicemen and women to cancel car leases, car insurance, cell phone contracts, residential rental leases, and real estate purchase contracts when they are deployed on active duty. The bill clarifies leave-of-absence provisions for state, county, and municipal officers and employees that are called to active duty in the Armed Forces.

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C. SECTION DIRECTORY:

Section 1. Creates Part IV of chapter 250, F.S., relating to Military Affairs, ss. 250.80, 250.81, 250.82, 250.83, 250.84, and 250.85, to be known as the “Florida Uniformed Servicemembers Protection Act”; provides legislative intent; provides definitions; provides applicability of specified federal laws to members of the Florida National Guard and Reserves when serving on active duty; provides for jurisdiction of the courts with respect to causes of action under this act; provides in event of conflicts, SSCRA, USERRA or this act controls; provides for incorporation by reference of specified federal laws and various provisions of Florida Statutes within the Florida Uniformed Servicemembers Protection act; provides the Department of Military Affairs will distribute a document containing the applicable rights of servicemembers to appropriate state or local organizations.

Section 2. Subsections (14) and (15) are added to s. 83.43, F.S., relating to definitions, under Landlord and Tenant, to provide definitions of “servicemember” and “active duty”.

Section 3. Subsection (1) of section 83.64, F.S., relating to Retaliatory conduct, under Landlord and Tenant, is amended to provide retaliatory conduct by a landlord for termination of a rental agreement by a member of the United States Armed Forces.

Section 4. Section 83.67, F.S., relating to Prohibited practices, under Landlord and Tenant, is amended to prohibit 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.

- Section 5. Section 83.682, F.S., relating to Termination of rental agreement by a member of the United States Armed Forces, under Landlord and Tenant, is amended to provide termination of rental agreement by a servicemember; revises terminology; revises liability of a servicemember in the event of early termination of a tenancy.
- Section 6. Section 115.02, F.S., relating to Governor to grant application; proviso., under Leaves of Absence to Officials and Employees, is amended to revise provisions with respect to the granting of a leave of absence to an officer.
- Section 7. Section 115.08, F.S., relating to definitions, under Leaves of Absence to Officials and Employees, is amended to revise the definition of "active military service" and "period of active military service"; provides additional definitions.
- Section 8. Section 115.09, F.S., relating to Leave to public officials for military service, under Leaves of Absence to Officials and Employees, is amended to require the granting of leave of absence for state, county, and municipal officials who are members of the Florida National Guard or a reserve component of the Armed Forces.
- Section 9. Section 115.10, F.S., relating to Leave to be granted by Governor, under Leaves of Absence to Officials and Employees, is repealed.
- Section 10. Section 115.12, F.S., relating to Rights during leave, under Leaves of Absence to Officials and Employees, is amended to revise provisions relating to rights during leave to provide that the employing authority must adhere to the provisions of the federal Uniformed Service Employment and Reemployment Rights Act, Title 38, U.S.C., Ch. 43, as amended.
- Section 11. Section 115.13, F.S., relating to Resumption of official duties, under Leaves of Absence to Officials and Employees, is amended to revise provisions relating to resumption of official duties in accordance with the limits provided under the federal Uniformed Service Employment and Reemployment Rights Act, Title 38, U.S.C., Ch. 43, as amended.
- Section 12. Section 115.14, F.S., relating to Employees, under Leaves of Absence to Officials and Employees, is amended to require the granting of leave of absence for state, county, and municipal employees; provides that the first 30 days of such leave of absence shall be with full pay; revises provisions with respect to supplemental pay for reservist officials and employees called to active military service; requires an employing authority to continue to provide all health insurance and other existing benefits.
- Section 13. Section 115.15, F.S., relating to Adoption of federal law for employees, under Leaves of Absence to Officials and Employees, is amended to provide for applicability of the federal Uniformed Service Employment and Reemployment Rights Act.
- Section 14. Section 364.195, F.S., relating to Termination of telecommunications service contract by a member of the United States Armed Forces, is created to provide requirements and procedures with respect to termination of a telecommunications service contract by a member of the United States Armed Forces.
- Section 15. Section 468.4339, F.S., relating to Provisions of continuing education, is created to require the inclusion of information relating to rights of servicemembers under the Florida Uniformed Servicemembers Protection Act within continuing education requirements for community association manager.

Section 16. Section 475.1821, F.S., relating to Provisions of continuing education, is created to require the inclusion of information relating to rights of servicemembers under the Florida Uniformed Servicemembers Protection Act within continuing education requirements for renewal of licensure as a real estate broker, broker-salesperson, or salesperson.

Section 17. Section 520.14, F.S., relating to Termination of retail installment contract for leasing a motor vehicle by a member of the United States Armed Forces, is created to provide requirements and procedures with respect to the termination of a retail installment contract for leasing a motor vehicle by a member of the United States Armed Forces.

Section 18. Section 689.27, F.S., relating to Termination of agreement to purchase real property by a member of the United States Armed Forces, is created to provide definitions; provide requirements and procedures with respect to the termination of an agreement to purchase real property by a member of the United States Armed Forces.

Section 19. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other: None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The sponsor of the bill offered a strike-all amendment on March 25, 2003, which was withdrawn. The strike-all amendment would have done the following: In section 1 of the bill, section 250.83 - changing the language relating to the applicability of federal law and removing the direct "adopted by reference" language. Section 250.85(1) - changing the format from a single paragraph to a series of paragraphs, this allows for better readability and adding new language reflecting the new additions to the bill. Section 250.85(2) - easing the requirement for DMA to provide the information on the act. Adding a new section to the bill, section 320.07 - adds new language providing an exemption from penalties and fees for late renewal of a motor vehicle or mobile home registration for servicemembers on active duty. In section 17 of the bill, section 520.14 - removing provisions from the bill that do not relate to car leases. Adding a new section to the bill, section 627.7382 - adds new language to allow for a full refund of unearned auto insurance premiums for servicemembers called to active duty. Adding a new section to the bill, section 1009.531 - adds new language to extend the window of opportunity for Bright Futures scholarships for students who are called to active duty or enlist.

The sponsor of the bill will be offering a strike-all amendment to replace the withdrawn amendment discussed at the Subcommittee on Veterans' & Military Affairs meeting. The strike-all amendment incorporates several changes to the amendment previously offered and withdrawn.