Journal of the Senate

Number 31—Extended Session | Tuesday, March 23, 1982

BILL ACTION SUMMARY

Tuesday, March 23, 1982

H 426	Passed as amended, Reconsidered, Passed as amended
H 1066	Passed
H 1075	Substituted for C/S SB 988, Passed as amended
S 187	Concurred, Passed as amended
S 415	Amendment pending
S 706	Concurred, Passed as amended
S 881	C/S passed
S 983	Concurred, C/S passed as amended
S 988	Iden./Sim. House Bill substituted, refer to HB 1075
S 991	C/S passed as amended, Reconsidered, C/S passed as amended
S 1039	Adopted

The Senate was called to order by the President at 10:00 a.m. A quorum present —39:

Mr. President	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Barron	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	

Excused: Senator McKnight

Prayer by Senator Dan Jenkins:

Our Father, we pray that everything that is done in these chambers today might bring honor and glory and praise to thy holy name. In Jesus' name. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special and Continuing Order Calendar for Tuesday, March 23, and Wednesday, March 24, 1982: HB 426, CS for SB 988, HB 1066, CS for SB 991, CS for SB 881, SB 576, CS for SB 415, SB 266, SB 855, SB 987, CS for SB 354, CS for SB 963, CS for SB 400, SB 259, CS for HB 287, CS for SB 944, HB 1137, HB 865, CS for HB 1111, HB 823, SB 414

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

Votes Recorded

Senator Hair was recorded as voting yea on the following bills which passed the Senate on March 17: Senate Bills 511, 860 and 731; House Bills 819 and 310.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 219, 335, 344, 386 and 868 which he had approved on March 19.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 3 and passed CS for SB 860.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB's 298 and 101; CS for SB 833.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendments and passed SB 731, as amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed HB's 1096, 937, 322 and CS/HB 31, as amended.

Allen Morris, Clerk

On motion by Senator Peterson, by unanimous consent the following resolution was introduced:

SR 1039—A resolution commending William Manor Corley, Jr.

WHEREAS, William Manor Corley, Jr., began his post-secondary education at the University of Florida and, after having served for three years in the United States Army during World War II as a Captain, returned to his native state and graduated from Florida Southern College with a major in accounting, and

WHEREAS, in 1950, he continued to build upon his professional education and credentials by completing a Master of Business Administration at the University of Florida, and

WHEREAS, "Bill" Corley began his career performing audits of the accounts of the state universities as an employee with the State Auditing Department where he worked for seven years, and

WHEREAS, he served as Budget Analyst and later as the first Corporate Secretary for the Board of Control, now the Board of Regents, and

WHEREAS, in 1970, "Bill" Corley brought his extensive knowledge of university financing to the Florida Senate where he has remained as the Senior Analyst for education in both the Senate Ways and Means, and Appropriations Committees, and

WHEREAS, his character, unquestioned integrity and professional ability have brought him recognition as an education analyst "without equal" in either House of the Legislature, where he works long and diligent hours for the Senate Committee on Appropriations, and

WHEREAS, "Bill" Corley, in this age of ever-changing and computerized technology, has provided continuity and stability to the advances of the budget process with his adaptability and institutional memory, and

WHEREAS, William Manor Corley, Jr., has fully and completely devoted himself to his family, his church, his country and his state, and

WHEREAS, he has announced his intention to retire later this year, and

WHEREAS, the State of Florida has benefited greatly from the persevering efforts and even-tempered professionalism of this gentleman, NOW, THEREFORE,

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

That the Senate hereby expresses its gratitude and appreciation for the many services performed by William Manor Corley, Jr., in helping it accomplish its tasks.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to "Bill" Corley as a tangible token of the sentiments of the Senate.

—which was read the first time in full. On motion by Senator Peterson, by unanimous consent SR 1039 was taken up instanter and by two-thirds vote read the second time by title and adopted. The vote on adoption was:

Yeas—39

Mr. President	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Barron	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	

Nays—None

All Senators were recorded as co-introducers of SR 1039.

The President invited Senator Peterson and Mr. Corley to the rostrum where Mr. Corley was presented a copy of SR 1039.

The President introduced to the Senate Mr. Corley's wife, Opal; his mother, Ethel Corley; and longtime friends Ira Valentine and Roberta Hayn.

On motion by Senator Thomas, the following remarks were published in the Journal:

Senator Peterson: Mr. President, Senators, I'm not sure that some people are dispensable. I have come to think over the past eight years that Bill Corley is almost indispensable to the Florida Senate.

I was introduced to him when I became a member of the Subcommittee on Appropriations which was chaired by our Governor, Bob Graham. At that time, the Senate had gone through the business of strengthening the staff and I think the appropriations staff of the Senate was becoming the great staff that it is today. He was one of the additions that made it so.

I can remember learning the appropriations process from him and from Bob Graham. I can remember many times in the midst of budget debates and budget conferences when I would turn to him and ask, "Now this is the way it is, isn't it, Mr. Corley?" and sometimes he would say, "Yes" and sometimes he would tell me "Well, no, not quite, this is the way it is." That's why we have the senior analyst on the Appropriations Committee who serves us so well. He makes us look good. He does a job for the Legislature, but most of all, he allows us to do what's best for the people of Florida.

I speak in sincere appreciation for the hours and hours he has spent over these years serving the people of Florida and the Florida Senate. Many, many weekends are spent here doing the business of the Senate and getting us in the position where we need to be, doing the responsible work that we need to do on the budget of Florida.

So I commend Bill Corley. I am proud of him. I am very happy that he will retire in the City of Tallahassee so that he will be available when we need him. And we will need you, Bill.

Senator Kirkpatrick: Thank you, Mr. President. When I came up here to the Senate, I had a really tough task in Education. As most of you know, I represent sixteen school districts, five community colleges and a major university. The President was kind enough to give me an opportunity to participate in the education appropriations process and I just absolutely would not have been able to handle the job had it not been for the man we're honoring today.

Bill Corley took me—who knew very little about the appropriations process—and showed me the way to become effective. The thing I like about Bill Corley is that he's the fellow who was here before the computers. We look at those massive computer runs, trying to figure out how our districts or our schools are going to be taken care of in the appropriations process, but he's the fellow who understands how they developed the system for the computers, what went into it and the original formulas. I can tell you he's going to be sorely missed around here.

I think the entire Florida Senate owes him a great debt of gratitude for speaking up for the people who are involved in education in this state and for the taxpayers of this state who are supporting education. So, Mr. President, I commend Mr. Corley on this day.

Senator Poole: Mr. President and Senators, I had the opportunity to sit on the other side of the table when I was in the House and served on the Conference Committees on Appropriations, particularly when Bill Andrews and I were working for the House in education.

One thing I learned early is what Senator Peterson said, and it's true; Mr. Corley always made the Senators look good. He was always very fair with us as House conferees. You always got a straight answer from him and there was never any doubt. As Senator Peterson said, when you asked him, if he said something, it was fact and I, too, want to wish you the best, Bill. We're going to miss you and I think the Senate, in particular, is going to miss you greatly.

Senator Gordon: I just want to add my word of commendation to Bill. I think that among other things, while this is the day Bill has looked forward to, it's going to make a difference in our ability to deal with the university system. On the other hand, it's probably a great day for the Board of Regents, because I think Bill is the only one who really knows what goes on over there. I'm very pleased to know that his retirement will be here in Tallahassee so we can call up and get some of those puzzles taken care of. He's been a sterling member of the staff and I think all of us who have had a chance to work with him have learned an awful lot and we'll miss him very much.

Senator Maxwell: Mr. President, members of the Senate, just to echo those comments that have already been made and to get some reassurance that Bill's retirement doesn't finish until we finish this conference, whenever it may be.

Let me say in a very succinct way that if I were asked to describe Bill Corley I would say there are three attributes that stand out above all. They are loyalty, dedication and fairness.

Bill, I want you to know I appreciate the time we spent together, the assistance you've given us and the assistance to the people of the State of Florida. We'll miss you.

On motion by Senator Renick, the rules were waived and the Committee on Executive Business was granted permission to meet March 24 from 1:00 p.m. until 2:00 p.m.

Senator McClain presiding

The Presiding Officer declared the Senate in informal recess awaiting the call of the President. The Senate recessed at 10:53 a.m.

The Senate was called to order by the President at 11:20 a.m. A quorum present—39:

Mr. President	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Barron	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	

On motions by Senator Dunn, the rules were waived and by two-thirds vote messages from the House of Representatives containing CS for SB 983, SB 583, SB 187, CS for SB 183, SB 706, SB 656, CS for HB 175, SB 661 and SB 68 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Dunn, the rules were waived and by two-thirds vote the following bills were withdrawn from the Committee on Rules and Calendar and by two-thirds vote established as a special and continuing order, together with the foregoing Messages from the House, for this day and March 24: HB 426, CS for SB 988, HB 1066, CS for SB 991, CS for SB 881, SB 576, CS for SB 415, SB 266, SB 855, SB 987, CS for SB 354, CS for SB 963, CS for SB 400, SB 259, CS for HB 287, CS for SB 944, HB 1137, HB 865, CS for HB 1111, HB 823 and SB 414.

SPECIAL ORDER

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 983—A bill to be entitled An act relating to pesticides; adding new subsections (8), (15), and (49) to s. 487.021, Florida Statutes, defining "dealer," "distributor," and "transportation of pesticides in bulk"; amending s. 487.061(1), Florida Statutes, adding members to and otherwise modifying the composition of the Pesticide Technical Council; amending s. 487.153(4), Florida Statutes, repealing subsection (6) of said section, and adding a new subsection (17) thereto; providing that, by definition, certified applicators must be 18 years of age or older; removing the definition of "council" as the Pesticide Application Council; defining "mixer-loader"; amending s. 487.154(2), Florida Statutes, relating to rules; amending s. 487.155, Florida Statutes, revising requirements and procedure with respect to licensure, classification, certification, examination, fees, and applications; amending s. 487.156, Florida Statutes, removing an exemption for governmental agencies; amending s. 487.157, Florida Statutes; providing for license renewal every 4 years; increasing late renewal penalty; amending s. 487.158, Florida Statutes; adding grounds for disciplinary actions; specifying disciplinary actions to be taken; amending s. 487.159, Florida Statutes, relating to required reports of damages to property or animal, to include damages or injury to man; amending s. 487.160, Florida Statutes, providing for maintenance of records of private licensees; requiring an annual report; creating s. 487.167, Florida Statutes, providing for applicability of certain requirements to certain licensees; rescheduling Sundown review and repeal of s. 487.061, Florida Statutes, from October 1, 1987, to October 1, 1992; saving specified sections of chapter 487, Florida Statutes, from sunset repeal scheduled October 1, 1982; providing for review and repeal of specified sections of chapter 487, Florida Statutes, relating to the application of pesticides, on October 1, 1992; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 9, line 14, insert a new subsection (9):

(9) DIRECT SUPERVISION RESPONSIBILITIES.—

(a) Instruction and training.—Each licensed applicator shall provide to each unlicensed applicator or mixer-loader working under his direct supervision adequate instruction and training so that the applicator or mixer-loader understands the safety procedures required for the pesticides that he will use. The applicator or mixer-loader shall be given this training before handling restricted-use pesticides. This training shall be set forth by the department by rule and shall include, but not be limited to, the safety procedures to be followed as specified on the label, the safety clothing and equipment to be worn, the common symptoms of pesticide poisoning, the dangers of eating, drinking, or smoking while handling pesticides, and where to obtain emergency medical treatment. No licensee shall be permitted to provide direct supervision to more than 15 unlicensed applicators or mixed-loaders at any given time.

(b) Warning.—Prior to the workers' entry into the field, it shall be the responsibility of the licensed applicator to assure that the workers' direct supervisor provides an oral statement to the workers, in language understood by the workers, of the warning contained on the pesticide label with respect to any pesticides that have been used within a 48-hour period.

Amendment 2—On pages 9 and 10, lines 28-31, 1-17, strike all of said lines and insert: 487.157 License renewals; penalty*; recertification*~~, retesting~~.—

(1) The department shall require renewal of a certified applicator's license ~~at least~~ every *4* ~~3~~ years. If the application for renewal of any license provided for in this chapter is not filed on time ~~according to rules of the department~~, a penalty *shall* ~~may~~ be assessed not to exceed *$50* ~~10 percent of the initial license fee~~. However, such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in business subsequent to the expiration of his license for a period not exceeding 60 days.

(2) The department shall require all certified applicators to provide evidence of continued competency through the implementation of a recertification program set forth by rule. Recertification options shall include, but not be limited to, the attendance of training sessions with either a written or oral examination. If the licensee fails to renew his license within 60 days of the expiration date, reexamination shall be required.

Amendment 3—On pages 1 and 2 in title lines 1-31 and 1-16, strike all said language and insert: A bill to be entitled An act relating to pesticides; adding new subsections (8), (15), and (49) to s. 487.021, Florida Statutes, defining "dealer," "distributor," and "transportation of pesticides in bulk"; amending s. 487.061(1), Florida Statutes, adding members to and otherwise modifying the composition of the Pesticide Technical Council; amending s. 487.153(4), Florida Statutes, repealing subsection (6) of said section, and adding a new subsection (17) thereto; providng that, by definition, certified applicators must be 18 years of age or older; removing the definition of "council" as the Pesticide Application Council; defining "mixer-loader"; amending s. 487.154(2), Florida Statutes, relating to rules; amending s. 487.155, Florida Statutes, revising requirements and procedure with respect to licensure, classification, certification, examination, fees, applications, and direct supervision responsibility; amending s. 487.156, Florida Statutes, removing an exemption for governmental agencies; amending s. 487.157, Florida Statutes; providing for license renewal every 4 years; increasing late renewal penalty; requiring evidence of continued competency through the implementation of a recertification program; amending s. 487.158, Florida Statutes; adding grounds for disciplinary actions; specifying disciplinary actions to be taken; amending s. 487.159, Florida Statutes, relating to required reports of damages to property or animal, to include damages or injury to man; amending s. 487.160, Florida Statutes, providing for maintenance of records of private licensees; requiring an annual report; creating s. 487.167, Florida Statutes, providing for applicability of certain requirements to certain licensees; re-

scheduling Sundown review and repeal of s. 487.061, Florida Statutes, from October 1, 1987, to October 1, 1992; saving specified sections of chapter 487, Florida Statutes, from sunset repeal scheduled October 1, 1982; providing for review and repeal of specified sections of chapter 487, Florida Statutes, relating to the application of pesticides, on October 1, 1992; providing an effective date.

Amendment 4—On page 12, line 31, insert: *(e) Imposition of an administrative fine not to exceed $1,000, per occurrence.*

Amendment 5—On page 12, line 17, insert: *(g) Failed to adequately train unlicensed applicators or mixer loaders applying restricted-use pesticides under his direct supervision, as provided for in s. 487.155 (9).*

Amendment 6—On page 7, line 23, strike . (period) insert: through the recertification process.

Amendment 7—On page 12, line 17, insert after the word "any": person,

Amendment 8—On page 10, line 24, strike: , registrant,

Amendment 9—On page 12, line 18 strike: , registrant,

On motions by Senator Peterson, the Senate concurred in the House amendments.

CS for SB 983 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Hair	Margolis	Steinberg
Anderson	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Skinner	

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

The bill was ordered engrossed and then enrolled.

Consideration of SB 583 was deferred.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, further amended, and passed as further amended—

SB 187—A bill to be entitled An act relating to education; amending s. 232.26(1)(b), Florida Statutes; allowing a school principal to suspend a student without first employing parental assistance or other alternative measures in certain circumstances; providing procedures for search of students and students' lockers and storage areas by school officials; requiring notice; requiring reports to law enforcement agencies; requiring seized objects or substances to be delivered to a law enforcement agency; requiring the creation of a statewide task force to study school truancy and discipline and to report its findings and recommendations to the Governor and the Legislature; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4 line 31 and on page 5 lines 1-12 strike all of said lines and insert: or illegally possessed substances or objects.

(and renumber the subsequent subsection)

Amendment 2—On page 1 in the title line 16 after the semicolon insert: directing district school boards to make certain rules;

Amendment 3—On page 1 in the title lines 9-12 strike all of said lines and insert: officials; requiring notice; requiring the creation of a

Amendment 4—On page 4, line 10 strike "students and"

Amendment 5—On page 4, line 15 strike "and their"

Amendment 6—On page 4, lines 22-26 strike all of subsection (3) and renumber the subsequent subsections

Amendment 7—In title on page 1, line 7 strike "students and"

On motions by Senator Maxwell, the Senate concurred in the House amendments.

SB 187 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Henderson	Margolis	Steinberg
Anderson	Hill	Maxwell	Stevens
Beard	Jenkins	McClain	Stuart
Carlucci	Jennings	Neal	Thomas
Childers, D.	Johnston	Peterson	Trask
Frank	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Rehm	Ware
Hair	Lewis	Renick	

Nays—1

Gordon

Vote after roll call:

Yea—Dunn, Gersten, Jenne

The bill was ordered engrossed and then enrolled.

Consideration of CS for SB 183 was deferred.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 706—A bill to be entitled An act relating to ad valorem taxes; amending s. 194.011(3)(d), Florida Statutes; providing the time for filing of petitions with respect to issues involving denial of exemptions or agricultural classification applications; adding s. 194.032(1)(e), Florida Statutes; authorizing the property appraisal adjustment board to meet prior to the approval of the assessment rolls by the Department of Revenue for purposes of hearing certain appeals; amending s. 194.032 (3), (4), (5), Florida Statutes; authorizing either party to require each petitioner, all witnesses and the property appraiser to testify under oath; providing for cross-examination of witnesses; providing that no evidence shall be considered by the Board except during the scheduled hearing or when the petitioner is given reasonable notice; authorizing the boards in certain counties to appoint special masters upon request of a petitioner; providing for payment of cost of a special master by a petitioner under certain circumstances; amending s. 195.-096(7), Florida Statutes; providing that the Auditor General's performance audits of the Department of Revenue's administration of ad valorem tax laws shall be conducted annually and shall be submitted to the Legislature by April 1; creating s. 195.0985, Florida Statutes; providing that the department shall annually publish assessment-to-sales ratio studies and providing a publication deadline; transferring and renumbering ss. 195.

096(10), 195.097(6), Florida Statutes; providing for periodic reviews of the assessments of certain businesses; transferring funds from the Assessment Review Trust Fund and assigning two positions to the Auditor General; repealing s. 14 and s. 16 of chapter 80-274, Laws of Florida, relating to the Assessment Review Trust Fund of the Judicial Branch; transferring, amending, and renumbering subsections (5), (6), (7), and (8) of s. 193.114, Florida Statutes, as subsections (1), (2), (6), and (7) of s. 193.1142, Florida Statutes, and adding subsections (3), (4), and (5) to said section; providing procedures for submittal and approval of assessment rolls; providing duties of the Department of Revenue; adding s. 200.065(9), Florida Statutes; providing for adjustment of proposed millage rates under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 27 through page 10, line 10, strike all of said lines and insert:

Section 1. Subsection (7) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(7) The Auditor General shall have the responsibility to perform performance audits of the administration of ad valorem tax laws by the department pursuant to the general authority granted in chapter 11. Such performance audits shall be conducted *biennially following completion of reviews pursuant to this section. The first* ~~no less frequently than once every 3 years. A~~ performance audit *conducted pursuant to this subsection* ~~of the Ad Valorem Tax Division~~ shall be *formally* submitted to the Legislature no later than *April 1, 1984, reporting on the activities of the Ad Valorem Tax Division related to the 1982 and 1983 ad valorem tax rolls, and biennially thereafter. The Auditor General shall include, for at least four counties so reviewed, findings as to the accuracy of assessment procedures, projections, and computations made by the division, utilizing the same generally accepted appraisal standards and procedures to which the division and the property appraisers are required to adhere. However, the report shall not include any findings or statistics related to any ad valorem tax roll which is in litigation between the state and county officials at the time the report is to be issued* ~~October 1, 1981~~.

Section 2. Section 195.0985, Florida Statutes, is created to read:

195.0985 Annual review.—The Department of Revenue shall annually publish assessment-to-sales ratio studies for each county, not later than 15 days following approval of that county's assessment roll pursuant to s. 193.1142.

Section 3. Subsection (10) of section 195.096, Florida Statutes, and subsection (6) of section 195.097, Florida Statutes, are transferred and renumbered as subsections (1) and (2), respectively, of section 195.099, Florida Statutes, which shall be entitled "Periodic review."

Section 4. (1) Sections 14 and 16 of chapter 80-274, Laws of Florida, are hereby repealed.

(2) The sum of $85,836 plus any accrued interest balance for the fund is hereby transferred from the Assessment Review Trust Fund to the Auditor General. Said amount and two positions are hereby appropriated to the Auditor General for fiscal year 1982-1983 to implement the provisions of this act.

Section 5. Subsections (5), (6), (7) and (8) of section 193.114, Florida Statutes, are renumbered as section 193.1142, Florida Statutes, and amended to read:

193.1142 Approval of assessment rolls.—

(1)~~(5)~~ Each assessment roll shall be submitted to the executive director for review in the manner and form prescribed by the department on or before the first Monday in July. The roll submitted to the department need not contain centrally assessed properties prior to approval under this subsection and subsection *(2)*~~(6)~~. Such review by the executive director shall be made to determine if the rolls meet all the appropriate requirements of *law* ~~this section~~ relating to form and just value. Upon approval of the rolls by the executive director, the hearings required in s. 194.032 may be held.

(2)~~(6)~~ The executive director shall disapprove all or part of any assessment roll of any county not in full compliance with the administrative order of the executive director issued pursuant to the notice called for in s. 195.097 and shall otherwise disapprove all or any part of any roll not assessed in substantial compliance with law, as disclosed during the department's investigation, including, but not limited to, audits by the Department of Revenue and Auditor General establishing noncompliance.

(3) An assessment roll shall be deemed to be approved if the department has not taken disapproval action within 60 days of a complete submission of the rolls by the property appraiser except as provided in subsection (4). A submission shall be deemed complete if it meets all applicable provisions of law as to form and content, includes or is accompanied by all information which was lawfully requested by the department prior to the initial submission date, and is not an interim roll. The department shall notify the property appraiser of an incomplete submission not later than 10 days after receipt thereof.

(4) The department is hereby authorized to issue a review notice to a county property appraiser within 30 days of a complete submission of the assessment rolls of that county. In the event that such notice is issued:

(a) The time period specified in subsection (3) shall be 60 days after the issuance of said notice.

(b) The notice required pursuant to s. 200.069 shall not be issued prior to approval of an assessment roll for the county or institution of interim roll procedures under s. 193.1145.

(5) In no event shall a formal determination by the department pursuant to this section be made later than 90 days after the first complete submission of the rolls by the county property appraiser.

(6) ~~(7)~~ Approval or disapproval of all or any part of a roll shall not be deemed to be final until the procedures instituted under s. 195.092 have been exhausted.

(7) ~~(8)~~ Chapter 120 shall not apply to this section.

Section 6. Section 192.115, Florida Statutes, is amended to read:

192.115 Performance review panel.—If there occurs within any 4-year period the final disapproval of all or any part of a county's roll pursuant to s. *193.1142* ~~193.114~~ for 2 separate years, the Governor shall appoint a three-member performance review panel. Said panel shall investigate the circumstances surrounding said disapprovals and the general performance of the property appraiser. If the panel finds unsatisfactory performance, the property appraiser shall be ineligible for the designation and special qualification salary provided in s. 145.10(2). Within not less than 12 months, the property appraiser may requalify therefor, provided he successfully recompletes the courses and examinations applicable to new candidates.

Section 7. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 193.1145, Florida Statutes, are amended to read:

193.1145 Interim assessment rolls.—

(1) It is the intent of the Legislature that no undue restraint shall be placed on the ability of local government to finance its activities in a timely and orderly fashion, and, further, that just and uniform valuations for all parcels shall not be frustrated if the attainment of such valuations necessitates delaying a final determination of assessments beyond the normal 12-month period. Toward these ends, the Legislature hereby provides a method for levying and collecting ad valorem taxes which may be used if:

(b) All or part of the assessment roll of a county is disapproved pursuant to s. *193.1142* ~~193.114(6)~~; provided a local taxing authority brings a civil action in the circuit court for the county in which relief is sought and the court finds that a delay in the final determination of assessments will substantially impair the ability of the authority to finance its activities. Such action may be filed on or after July 1. Upon such a determination, the court may order the use of the last approved roll, adjusted to the extent practicable to re-

flect additions, deletions, and changes in ownership, as the interim roll when the action was filed under paragraph (a), or the use of the current roll as the interim roll when the action was filed under paragraph (b). When the action was filed under paragraph (a), certification of value pursuant to s. 200.-065(1) shall be made immediately following such determination by the court. However, if the property appraiser recommends that interim roll procedures be instituted and the governing body of the county does not object and if conditions of paragraph (a) or paragraph (b) apply, such civil action shall not be required. The property appraiser shall notify the department and each taxing authority within his jurisdiction prior to instituting interim roll procedures without a court order.

(3)(a) If the court so finds as provided in subsection (1), the property appraiser shall prepare and extend taxes against the interim assessment roll. The extension of taxes shall occur within 60 days of disapproval of all or part of the assessment roll, or by November 15, in the event that the assessment roll has not been submitted to the department pursuant to s. *193.1142* ~~193.114~~; however, in no event shall taxes be extended before the hearing and notice procedures required in s. 200.065 have been completed.

Section 8. Section 193.1147, Florida Statutes, is amended to read:

193.1147 Performance review panel.—If there occurs within any 4-year period the final disapproval of all or any part of a county roll pursuant to s. *193.1142* ~~193.114~~ for 2 separate years, the Governor shall appoint a three-member performance review panel. The panel shall investigate the circumstances surrounding such disapprovals and the general performance of the property appraiser. If the panel finds unsatisfactory performance, the property appraiser shall be ineligible for the designation and special qualification salary provided in s. 145.-10(2). Within not less than 12 months, the property appraiser may requalify therefor, provided he successfully recompletes the courses and examinations applicable to new candidates.

Section 9. Subsection (12) of section 194.032, Florida Statutes, is amended to read:

194.032 Hearing complaints.—

(12) The board shall remain in session from day to day until all petitions, complaints, appeals, and disputes are heard. If all or any part of an assessment roll has been disapproved by the department pursuant to s. *193.1142* ~~193.114(5) and (6)~~, the board shall reconvene to hear petitions, complaints, or appeals and disputes filed upon the finally approved roll or part of a roll.

Section 10. Paragraph (f) of subsection (2) and subsection (4) of section 195.096, Florida Statutes, are amended to read:

195.096 Review of assessment rolls.—

(2) Beginning with the 1982 assessment rolls, the Division of Ad Valorem Tax shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. Said review shall be conducted for the 1981 assessment rolls of not less than 20 counties; however, said review need not include the 1981 personal property rolls. The Division of Ad Valorem Tax need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the property appraisal adjustment board.

(f) Within 120 days following the receipt of the county's assessment roll by the executive director of the department pursuant to s. *193.1142(1)* ~~193.114(5)~~, or within 10 days of approval of the assessment roll, whichever is later, the Division of Ad Valorem Tax shall complete a county's review and forward its findings, including a statement of the confidence interval for the median and such other measures as may be appropriate for each classification or subclassification studied and for the roll as a whole, employing a 95-percent level of confidence, and related statistical and analytical details to the Senate Ways and Means Committee, the House Finance and Taxation Committee, and the appropriate property appraiser.

(4) It is declared to be the legislative intent that approval of the rolls by the department pursuant to s. *193.1142* ~~193.114(5)~~ and certification by the property appraisal adjustment board pursuant to s. 193.122(1) shall not be deemed to impugn the use of postcertification reviews to require adjustments in the preparation of succeeding assessment rolls to ensure that such succeeding assessment rolls do meet the constitutional mandates of just value.

Section 11. Paragraph (e) of subsection (3) of section 196.-031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(3)

(e) For every person who is entitled to the exemption provided in subsection (1) and who has been a resident of this state for the 5 consecutive years prior to claiming the exemption under this subsection, the exemption is increased to a total of the following amounts of assessed valuation for levies of taxing authorities other than school districts: $15,000 with respect to 1980 assessments; $20,000 with respect to 1981 assessments; and $25,000 with respect to assessments for 1982 and each year thereafter. However, the increase provided in this paragraph shall not apply with respect to the assessment roll of a county unless and until the roll of that county has been approved by the executive director pursuant to s. *193. 1142* ~~193.114~~.

Section 12. Subsection (9) is added to section 200.065, Florida Statutes, to read:

200.065 Method of fixing millage.—

(9) Notwithstanding the provisions of subsection (2)(b) and s. 200.069(4)(c) to the contrary, the proposed millage rates provided to the property appraiser by the taxing authority, except for millage rates adopted by referendum and rates required by law to be a specified millage amount, shall be adjusted in the event that a review notice was issued pursuant to s. 193.1142(4) and the taxable value on the approved roll is at variance with the taxable value certified pursuant to subsection (1). The adjustment shall be made by the property appraiser and shall be such as to provide for no change in the dollar amount of taxes levied from that initially proposed by the taxing authority.

Section 13. Paragraph (d) of subsection (3) of section 194.-011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the property appraisal adjustment board shall describe the property by parcel number and shall be filed as follows:

(d) The petition may be filed, *as to valuation issues,* at any time during the taxable year on or before the 30th day following the mailing of notice by the property appraiser as provided in subsection (1). *With respect to issues involving the denial of exemptions, agricultural classification applications, or deferrals, the petition shall be filed at any time during the taxable year on or before the 30th day following the mailing of the notice by the property appraiser under s. 193.-461 or s. 196.913, or the tax collector under s. 197.0166.*

Section 14. Paragraph (e) is added to subsection (1) of section 194.032, Florida Statutes, to read:

194.032 Hearing complaints.—

(1) The property appraisal adjustment board shall meet not earlier than 30 days and not later than 45 days after the mailing of the notice provided in s. 194.011(1); however, no board hearing shall be held before approval of all or any part of the assessment rolls by the Department of Revenue. The board shall meet for the following purposes:

(e) Notwithstanding the provisions of this subsection, the property appraisal adjustment board may meet prior to the approval of the assessment rolls by the Department of Revenue but not earlier than July 1, to hear appeals pertaining to the denial by the property appraiser of exemptions, agricultural classifications, and deferrals under (b), (c), and (d) above. In such event, however, the board shall not certify any assessments under s. 193.122 until after the Department of Revenue has approved such assessments in accordance with s. 193.-114 and after all hearings have been held with respect to the particular parcel under appeal.

Section 15. Subsection (2) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment.—

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the property appraisal adjustment board. *The property appraiser shall notify the landowner in writing of the denial of agricultural classification not later than June 1 of the year for which the application was filed. The notification shall advise the landowner of his right to appeal to the property appraisal adjustment board, and of the filing deadline.* The property appraiser shall have available at his office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

Section 16. Subsections (3), (4) and (5) of section 194.032, Florida Statutes, are amended to read:

194.032 Hearing complaints.—

(3)*(a)* Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to, *upon the request of either party,* testify under oath as administered by the chairman of the board. Hearings shall be conducted in the manner prescribed by rules and regulations of the department~~. Such hearings shall generally conform to the procedures prescribed for hearings in chapter 120~~, *which rules shall include the right for cross-examination of any witness.* ~~except that~~

(b) Nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by s. 194.171, whether or not he has initiated an action pursuant to this section.

(c) The rules shall provide that no evidence shall be considered by the board except when presented during the time scheduled for the petitioner's hearing, or at a time when the petitioner has been given reasonable notice; that a verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue, if requested~~,~~*;* and *that* ~~for~~ further judicial proceedings *shall be* as provided in subsection (6).

(d) Notwithstanding the provisions of this subsection, no petitioner shall present, nor shall the board or special master accept, testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.

(4) *Pursuant to a joint resolution passed by the governing bodies of the county and the school board,* the board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. *In counties of 100,000 population or greater, the board, upon the request of the petitioner, shall appoint a special master for the purpose of taking testimony and making recommendations to the board.* Such special masters may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special masters exist. A special master shall be either a member of The Florida Bar and knowledgeable in the area of ad valorem taxation or a designated member of a professionally recognized real estate appraisers' organization and have not less than 5 years' experience in property valuation. A special master need not be a resident of the county in which he serves. No special master shall be permitted to represent a person before the board in any tax year during which he has served that board as a special master. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board. *However, if the special master is appointed at the request of a petitioner, the cost of his compensation shall be borne by the petitioner.*

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the property appraisal adjustment board shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the property appraiser's determination. *Where a special master has been appointed, the recommendations of the special master shall be considered by the board.* The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

Section 17. Subsection (7) of section 192.032, Florida Statutes, is created to read:

192.032 Situs of property for assessment purposes.—All property shall be assessed according to its situs as follows:

(7)(a) Notwithstanding the provisions of subsection (2), personal property used as marine cargo containers in the conduct of foreign or interstate commerce shall not be deemed to have acquired a taxable situs within a county when the property is temporarily halted or stored within the state for a period not exceeding 180 days.

(b) "Marine cargo container" means a nondisposable receptacle:

1. Of a permanent character, strong enough to be suitable for repeated use;

2. Specifically designed to facilitate the carriage of goods by one or more modes of transport, one of which shall be ocean vessels, without intermediate reloading; and

3. Fitted with devices permitting its ready handling, particularly in the transfer from one transport mode to another. The term "marine cargo containers" includes containers when carried on a chassis but does not include vehicles or packaging.

Section 18. Paragraph (a) of subsection (4) of section 197.072, Florida Statutes, is amended to read:

197.072 Notice of taxes; tax certificates; tax certificate sales by mail.—

(4)(a) The tax collector shall mail such additional notices as he may deem proper and necessary or as may be required by reasonable rules ~~and regulations~~ of the Department of Revenue. An additional notice shall be mailed to each taxpayer whose payment has not been received prior to March 1 of the year following the year of assessment, and this notice shall include a description of the property and the following statement: If the taxes for the year ____(year)____ on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office in the courthouse at once. *Upon written request of any taxpayer aged 60 or over, the tax collector shall mail such additional notice to a third party designated in writing by the taxpayer, and shall mail a duplicate copy of the notice to the taxpayer.*

Section 19. This act shall take effect upon becoming a law, except that sections 13, 15 and 18 shall take effect January 1, 1983.

Amendment 2—On page 1 in the title, line 2 through page 2, line 23, strike all of said lines and insert: An act relating to property assessment administration and finance; amending s. 195.096(7), Florida Statutes, requiring biennial performance audits of the administration of ad valorem tax laws by the Department of Revenue; creating s. 195.0985, Florida Statutes, requiring the department to annually publish assessment-to-sales ratio studies for each county; transferring and renumbering ss. 195.096(10) and 195.097(6), Florida Statutes, as subsections (1) and (2), respectively of s. 195.099, Florida Statutes, entitled, "Periodic review"; repealing sections 14 and 16 of chapter 80-274, Laws of Florida, relating to the "Assessment Review Trust Fund"; amending and renumbering s. 193.114 (5)-(8), Florida Statutes, as s. 193.1142, Florida Statutes, providing time limitations with respect to assessment roll approval; providing for issuance of review notices to property appraisers; providing that notice of proposed taxes shall not be issued prior to roll approval or institution of interim procedures;

amending ss. 192.115, 193.1145(1)(b) and (3)(a), 193.1147, 194.032(12), 195.096(2)(f) and (4), and 196.031(3)(e), Florida Statutes; correcting cross references; adding subsection (9) to s. 200.065, Florida Statutes; providing for adjustment of proposed millage rates under certain conditions; amending s. 194.011 (3)(d), Florida Statutes; providing the time for filing of petitions with respect to issues involving denial of exemptions, agricultural classification, or tax deferrals; adding s. 194.032 (1)(e), Florida Statutes; authorizing the property appraisal adjustment board to meet prior to the approval of the assessment rolls by the Department of Revenue for purposes of hearing certain appeals; amending s. 194.032(3), (4), (5), Florida Statutes; authorizing use of special masters when approved by joint resolution of the county and school board; authorizing either party to require each petitioner, all witnesses and the property appraiser to testify under oath; providing for cross-examination of witnesses; providing that no evidence shall be considered by the Board except during the scheduled hearing or when the petitioner is given reasonable notice; authorizing the boards in certain counties to appoint special masters upon request of a petitioner; providing for payment of cost of a special master by a petitioner under certain circumstances; amending s. 192.032, Florida Statutes, adding subsection (7); providing that marine cargo containers used in foreign or interstate commerce shall not be deemed to have acquired taxable situs in the state under certain circumstances; amending s. 197.072(4)(a), Florida Statutes; providing that upon request of a taxpayer aged 60 or over the tax collector shall send notice of unpaid taxes to a third party designated by the taxpayer; providing an effecive date.

On motions by Senator Margolis, the Senate concurred in the House amendments.

SB 706 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Henderson	Maxwell	Stuart
Anderson	Hill	McClain	Thomas
Beard	Jenkins	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Steinberg	
Hair	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

The bill was ordered engrossed and then enrolled.

Consideration of SB 656, CS for HB 175, SB 661 and SB 68 was deferred.

HB 426—A bill to be entitled An act relating to ad valorem taxation; designating parts I-VIII of chapter 197, Florida Statutes; transferring and renumbering various sections; amending ss. 190.024, 193.1145(10)(a), 197.013(5), 197.116(9), 197.226(1), 336.59(2), and 582.44, Florida Statutes, correcting cross references; repealing s. 197.356, Florida Statutes, relating to implementation of revisions of chapter 197; providing an effective date.

—was read the second time by title.

Senators Ware and Neal offered the following amendments which were moved by Senator Neal and adopted:

Amendment 1—On page 3, between lines 5 and 6, insert new sections to read:

Section 5. Subsection (2) of section 193.122, Florida Statutes, is amended to read:

193.122 Certificates of property appraisal adjustment board and property appraiser.—

(2) After certification of the tax rolls by the property appraisal adjustment board, the property appraiser shall make all required extension on the rolls to show the tax attributable to all taxable property. Upon completion of these extensions, and upon satisfying himself that all property is properly taxed, the property appraiser shall certify the tax rolls, *and shall within one week thereafter:*

(a) Publish notice of the date and fact of extension and certification in a periodical meeting the requirements of section 50.011; and

(b) publicly display a notice of the date of certification in the property appraiser's office. The property appraiser shall also supply a notice of the date of the certification to any taxpayer who requests one in writing.

These certificates shall be made in the form required by the department and shall be attached to each roll as required by the department by regulation. An appeal of a property appraisal adjustment board decision pursuant to s. 194.032(6)(a) 1. or 2. by the property appraiser shall be filed prior to certification of the tax roll under this subsection. The roll may be certified prior to an appeal being filed pursuant to subparagraph 194.032(6)(a) 3., but such appeal shall be filed within 20 days after receipt of the department's decision relative to further judicial proceedings.

Section 6. Subsections (3), (4), and (5) of section 194.032, Florida Statutes, are amended to read:

194.032 Hearing complaints.—

(3) Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to , *upon the request of either party,* testify under oath as administered by the chairman of the board. Hearings shall be conducted in the manner prescribed by rules and regulations of the department~~. Such hearings shall generally conform to the procedures prescribed for hearings in chapter 120~~, *including the right to cross-examine any witness* except that nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by s. 194.171, *provided that the taxpayer has timely filed a completed petition* ~~whether or not he has initiated an action~~ pursuant to *s. 194.011(3), except that for purposes of this provision such taxpayer shall not be required to appear before the property appraisal adjustment board* ~~this section~~. *Further, the board shall provide that no evidence shall be considered by the board except when presented during the time scheduled for the petitioner's hearing, or at a time when the petition has been given reasonable notice, and further that* a verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue, if requested, and for further judicial proceedings as provided in subsection (6). Notwithstanding the provisions of this subsection, no petitioner shall present, nor shall the board or special master accept, testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser. *Chapter 120 shall not apply to proceedings before the property appraisal adjustment board.*

(4) The board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. *In counties of 100,000 population or greater, the board, upon the request of the petitioner, shall appoint a special master for the purpose of taking testimony and making recommendations to the board. If the request is made by the petitioner herein, the cost shall be borne by the petitioner.* Such special masters may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special masters exist. A special master shall be either a member of The Florida Bar and knowledgeable in the area of ad valorem taxation or a designated member of a professionally recognized real estate appraisers' organization and have not less than 5 years' experience in property valuation. A special master need

not be a resident of the county in which he serves. No special master shall be permitted to represent a person before the board in any tax year during which he has served that board as a special master. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the property appraisal adjustment board shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the property appraiser's determination, *and in the case where a special master has been appointed, the recommendations of the special master shall be considered.* The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

Section 7. Paragraph (d) of subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the property appraisal adjustment board shall describe the property by parcel number and shall be filed as follows:

(d) The petition may be filed, *as to valuation issues,* at any time during the taxable year on or before the *20th* ~~30th~~ day following the mailing of notice by the property appraiser as provided in subsection (1). *With respect to issues involving the denial of exemptions, agricultural classification applications, or deferrals, the petition shall be filed at any time during the taxable year on or before the 30th day following the mailing of the notice by the property appraiser under s. 193.461 or s. 196.193, or the tax collector under s. 197.0166.*

Section 8. Paragraph (e) is added to subsection (1) of section 194.032, Florida Statutes, to read:

194.032 Hearing complaints.—

(1) The property appraisal adjustment board shall meet not earlier than 30 days and not later than 45 days after the mailing of the notice provided in s. 194.011(1); however, no board hearing shall be held before approval of all or any part of the assessment rolls by the Department of Revenue. The board shall meet for the following purposes:

(e) Notwithstanding the provisions of this subsection, the property appraisal adjustment board may meet prior to the approval of the assessment rolls by the Department of Revenue but not earlier than July 1, to hear appeals pertaining to the denial by the property appraiser of exemptions, agricultural classifications, and deferrals under (b), (c), and (d) above. In such event, however, the board shall not certify such assessments under s. 193.122 until after the Department of Revenue has approved such assessments in accordance with s. 193.114 and after all hearings have been held with respect to the particular parcel under appeal.

Section 9. Subsection (2) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment.—

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the property appraisal adjustment board. The board may also review all lands classified by the property appraiser upon its own motion. *The property appraiser shall notify the landowner in writing of the denial of agricultural classification not later than June 1 of the year for which the application was filed. The notification shall advise the landowner of his right to appeal to the property appraisal adjustment board, and of the filing deadline.* The property appraiser shall have available at his office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

Section 10. Subsection (5) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(5) Prior to extension of the rolls pursuant to s. 193.122, the property appraiser shall notify each taxing authority of the aggregate change in the assessment roll, if any, from that certified pursuant to subsection (1), including, but not limited to, those changes which result from actions by the property appraisal adjustment board or from corrections of errors in the assessment roll. Each affected taxing authority may *administratively* adjust its adopted millage rate *without a public hearing* if the taxable value within the jurisdiction of the taxing authority as certified pursuant to subsection (1) is at variance *by more than 3 percent* with the taxable value shown on the roll to be extended. The adjustment shall be such that the taxes computed by applying the adopted rate against the certified taxable value are equal to the taxes computed by applying the adjusted adopted rate to the taxable value on the roll to be extended. However, no adjustment shall be made to levies required by law to be a specific millage amount. Not later than 3 days after receipt of notification pursuant to this subsection, each affected taxing authority shall certify to the property appraiser its adjusted adopted rate. Failure to so certify shall constitute waiver of the adjustment privilege.

Section 11. The time period specified in ss. 200.065 and 194.032(1), Florida Statutes, shall be considered directory and may be shortened, provided that:

(1) No public hearing which is preceded by a mailed notice shall occur earlier than 15 days following the mailing of such notice.

(2) Any public hearing preceded by a newspaper advertisement shall be held not less than 2 nor more than 5 days following publication of such advertisement.

(3) No hearing pursuant to s. 194.032(1), Florida Statutes, shall be held prior to completion of the hearings required under s. 200.065(2)(c), Florida Statutes.

(4) The property appraiser shall coordinate such shortening and give oral or written notice to all affected taxing authorities, provided that no taxing authority shall be denied its right to the full time periods allowed in said sections.

Section 12. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue *shall only have those responsibilities for ad valorem taxation as are specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections; and chapter 200, determination of millage. The Department of Revenue* shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all other duties provided in: *s. 125.0104, local option tourist development act; s. 125.0165, discretionary sales tax; chapter 198, estate taxes; chapter 199, intangible personal property taxes;* chapter 201, excise tax on documents; chapter 203, gross receipts taxes~~, generally, chapter 205, local occupational license taxes~~; chapter 206, taxation of motor and other fuels; *chapter 207, tax on operation of commercial motor vehicles; chapter 208, tax on generation of hazardous wastes;* chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use and other transactions; *chapter 214, administration of designated nonproperty taxes;* and chapter 220, income tax code*; s. 376.11, pollutant spill prevention and control; ss. 624.509-514, insurance code, administration and general provisions.*

Section 13. Subsection (6) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

~~(6) Notwithstanding the provisions of subsection (4) and (5), an original application shall be refiled each year for not less than 10 percent of all parcels granted an exemption or agricultural classification. The property appraiser shall randomly select those parcels for which such refiling shall be required.~~

Section 14. Section 195.032, Florida Statutes, is amended to read:

195.032 Establishment of standards of value.—In furtherance of the requirement set out in s. 195.002, the Department of Revenue shall establish and promulgate standard measures of value not inconsistent with those standards provided by law, to be used by property appraisers in all counties, including taxing districts, to aid and assist them in arriving at assessments of all property. The standard measures of value shall provide guidelines for the valuation of property and methods for property appraisers to employ in arriving at the just valuation of particular types of property consistent with ss. 193.011 and 193.461. The standard measures of value shall assist the property appraiser in the valuation of property and be deemed prima facie correct, but shall not be deemed to establish the just value of any property~~.~~ *; however the presumption of correctness accorded an assessment made by a property appraiser shall not be impugned merely because the standard measures of value do not establish the just value of any property.*

Section 15. Subsection (6) of s. 192.001, Florida Statutes, is amended and subsection (14) is added to said section to read:

192.001 Definitions.—All definitions set out in chapter 1 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(6) "Extend on the tax roll" means the arithmetic computation whereby the "millage" is converted to a decimal number representing one one-thousandth of a dollar and then multiplied by the *taxable* ~~assessed~~ value of the property to determine the tax on such property.

(14) "Taxable value" means the assessed value of property minus the amount of any applicable exemption provided under ss. 3 and 6, Art. VII of the State Constitution and chapter 196.

Section 16. Paragraph (g) of subsection (2) of section 193.114, Florida Statutes, and paragraph (f) of subsection (3) of said section are amended to read:

193.114 Preparation of assessment rolls.—

(2) The department shall promulgate regulations and forms for the preparation of the real property assessment roll to reflect:

(g) The tax, determined by multiplying the millages by the *taxable* ~~assessed~~ value ~~for taxation~~.

(3) The department shall promulgate regulations and forms for the preparation of the tangible personal property roll to reflect:

(f) The tax, determined by multiplying the millages by the *taxable* ~~assessed~~ value ~~for taxation~~.

Section 17. Subsection (8) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(8) Multicounty taxing authorities shall be subject to the provisions of this section. ~~The term "taxable value" means the taxable value of all property subject to taxation by the authority.~~ If a multicounty taxing authority has not received a certification pursuant to subsection (1) from a county by July 15, it shall compute its proposed millage rate and rolled-back rate based upon estimates of taxable value supplied by the Department of Revenue. All dates for public hearings and advertisements specified in this section shall, with respect to multicounty taxing authorities, be computed as though certification of value pursuant to subsection (1) were made July 1. The multicounty district shall add the following sentence to the advertisement set forth in paragraphs (3)(a) and (f): This tax increase is applicable to . . . (name of county or counties) . . . .

Section 18. It is the legislative intent that if this act or similar legislation becomes law, the amendments to all laws amended by this act shall take precedence, where a conflict may exist.

(Renumber subsequent sections.)

Amendment 2—In title on page 1, line 11, after the semicolon (;) insert:

Amending s. 193.122(2), Florida Statutes; providing procedures for publishing notice of the certification of the tax roll by the property appraiser; amending s. 194.032(3), (4), (5), Florida Statutes; authorizing either party to require each petitioner, all witnesses and the property appraiser to testify under oath; providing for cross-examination of witnesses; providing that for purposes of said provision, a taxpayer shall not be required to appear before the property appraisal adjustment board; providing that no evidence shall be considered by the board except during the scheduled hearing or when the petitioner is given reasonable notice; providing that the provisions of Chapter 120 do not apply to proceedings before the property appraisal adjustment board; authorizing the boards in certain counties to appoint special masters upon request of a petitioner; providing for payment of cost of a special master by a petitioner under certain circumstances; amending s. 194.011(3) (d), Florida Statutes; reducing the time during which a petition may be filed with the property appraisal adjustment board; providing certain exceptions for denials of exemptions, agricultural classification applications, or deferrals; amending s. 194.032(1) (e), Florida Statutes; providing a time and procedure for meetings of the property appraisal adjustment board to review denials of exemptions, agricultural classifications, and deferrals; amending s. 193.461(2), Florida Statutes; providing for notification of the denial of agricultural classification; amending s. 200.065(5), Florida Statutes; providing for adjustment by a taxing authority of certain millage rates without a public hearing in certain circumstances; providing a method for shortening the time periods specified in s. 200.065 and s. 194.032 (1), Florida Statutes, regarding the holding of public hearings for budget approval; amending s. 213.05, Florida Statutes; providing for the responsibilities of the Department of Revenue as specified in various chapters; repealing s. 196.011(6), Florida Statutes, requiring a 10 percent random refiling of application for exemption or agricultural classification; amending s. 195.032, Florida Statutes; providing that the presumption of correctness accorded an assessment made by a property appraiser shall not be diminished by certain factors; amending s. 192.001(6), Florida Statutes, and adding subsection (14) to said section; providing definitions; amending s. 193.114(2)(g), (3)(f), Florida Statutes; conforming certain language; amending s. 200.065(8), Florida Statutes; deleting a definition; providing legislative intent for certain later enactments;

On motion by Senator Johnston, by two-thirds vote HB 426 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	McClain	Stuart
Anderson	Hill	Neal	Thomas
Beard	Jenkins	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Kirkpatrick	Renick	Ware
Gersten	Langley	Skinner	
Gordon	Margolis	Steinberg	
Grizzle	Maxwell	Stevens	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 988 by the Committee on Economic, Community and Consumer Affairs and Senator Peterson and others was read the first time by title and SB 988 was laid on the table.

On motion by Senator Peterson, the rules were waived and by two-thirds vote HB 1075 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson—

HB 1075—A bill to be entitled An act relating to mobile homes; amending s. 83.795, Florida Statutes, prohibiting the infringement upon the right of mobile home owners or tenants to communicate or assemble among themselves to discuss problems relative to the mobile home park; prohibiting mobile home park owners or managers from making certain rules restricting

the canvassing of mobile home owners and tenants for membership dues with respect to tenants' associations; providing legislative intent; amending ss. 83.41 and 83.62, Florida Statutes, deleting reference to mobile homes that are covered in part III of chapter 83, Florida Statutes; amending s. 83.759(1)(c), Florida Statutes, and adding a paragraph (e), providing for eviction of a tenant after a first or second violation of a reasonable rule or regulation of the park under certain circumstances, and providing for 12 months' notice in the case of eviction without cause; creating ss. 83.7591 and 83.7592, Florida Statutes, relating to termination of lease agreements and removal of the mobile home owner; creating s. 83.7605, Florida Statutes, providing for notice to mobile home park tenants of certain zoning matters; amending s. 320.77(1)(a) and (3)(h), Florida Statutes, including within the definition of "dealer" the "mobile home or recreational vehicle broker" and defining same; exempting mobile home or recreational vehicle brokers from the requirement that the dealer location affords sufficient unoccupied space to store all mobile homes and recreational vehicles offered and displayed for sale; amending s. 320.8255(1), Florida Statutes, to provide that only new mobile homes need be inspected by the Department of Highway Safety and Motor Vehicles; amending s. 320.827, Florida Statutes; providing that mobile homes meeting certain standards shall not be modified; amending s. 320.8285(5), Florida Statutes, providing for local control of certain requirements; repealing ss. 83.770, 83.772, 83.774, 83.776, 83.778, 83.780, 83.782, 83.784, 83.786, 83.788, 83.790, 83.792 and 83.794, Florida Statutes, relating to the State Mobile Home Tenant-Landlord Commission; prohibiting denial of access to cable television services; providing an effective date.

—a companion measure was substituted for CS for SB 988 and read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 13, between lines 15 and 16, insert:

Section 14. Section 83.13, Florida Statutes, is amended to read:

83.13 Distress for rent; levy of writ.—The officer shall execute the writ by service on defendant and, upon the order of the court, by levy on property distrainable for rent or advances, if found in his jurisdiction. If the property is not so found but is in another jurisdiction, he shall deliver the writ to the proper officer in the other jurisdiction and the other officer shall execute the writ, upon order of the court, by levying on said property and delivering it to the officer of the court in which the action is pending to be disposed of according to law unless he is ordered by the court from which the writ emanated to hold the property and dispose of it in his jurisdiction according to law. If the plaintiff shows by a sworn statement that the defendant cannot be found within the *state* ~~county~~, the levy on the property suffices as service on him.

Section 15. Section 83.14, Florida Statutes, is reenacted to read:

83.14 Distress for rent; replevy of distrained property.—The property distrained may be restored to the defendant at any time on his giving bond with surety to the officer levying such writ to be approved by such officer payable to plaintiff in double the value of the property levied on, such value to be fixed by said officer and conditioned for the forthcoming of the property restored to abide the final order of the court. It may be also restored to defendant on his giving bond with surety to be approved by the officer making the levy conditioned to pay the plaintiff the amount or value of the rental or advances which may be adjudicated to be payable to plaintiff. Judgment may be entered against the surety on such bonds and in the manner and with like effect as provided in s. 76.31.

Section 16. Section 83.15, Florida Statutes, is reenacted to read:

83.15 Distress for rent; claims by third persons.—Any third person claiming any property so distrained may interpose and prosecute his claim for it in the same manner as is provided in similar cases of claim to property levied on under execution.

Section 17. Section 83.18, Florida Statutes, is reenacted to read:

83.18 Distress for rent; trial; verdict; judgment.—If the verdict or the finding of the court is for plaintiff, judgment shall be rendered against defendant for the amount or value of the rental or advances, including interest and costs, and against the surety on defendant's bond as provided for in s. 83.14, if the property has been restored to defendant, and execution shall issue. If the verdict or the finding of the court is for defendant, the action shall be dismissed and defendant shall have judgment and execution against plaintiff for costs.

Section 18. Section 83.19, Florida Statutes, is reenacted to read:

83.19 Distress for rent; sale of property distrained.—

(1) If the judgment is for plaintiff and the property in whole or in part has not been replevied, it, or the part not restored to defendant, shall be sold and the proceeds applied on the payment of the execution. If the rental or any part of it is due in agricultural products and the property distrained, or any part of it, is of a similar kind to that claimed in the complaint, the property up to a quantity to be adjudged of by the officer holding the execution (not exceeding that claimed), may be delivered to plaintiff as a payment on his execution at his request.

(2) When any property levied on is sold, it shall be advertised two times, the first advertisement being at least 10 days before the sale. All property so levied on may be sold on the leased premises or at the courthouse door.

(3) Before the sale if defendant appeals and obtains supersedeas and pays all costs accrued up to the time that the supersedeas becomes operative, the property shall be restored to him and there shall be no sale.

(4) In case any property is sold to satisfy any rent payable in cotton or other agricultural product or thing, the officer shall settle with the plaintiff at the value of the rental at the time it became due.

Section 19. Section 83.41, Florida Statutes, is amended to read:

83.41 Application.—This part applies to the rental of a dwelling unit ~~and a mobile home lot~~.

Section 20. Subsections (1) and (2), paragraph (a) of subsection (3), and subsection (4) of section 83.49, Florida Statutes, are amended, present subsection (7) is renumbered as subsection (8), and a new subsection (7) is added to said section, to read:

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

(1) Whenever money is deposited or advanced by a tenant on a rental agreement as security for performance of the rental agreement or as advance rent, ~~which is held in excess of 3 months by~~ the landlord or his agent *shall:*~~,~~

(a) Hold the total amount of such money ~~held by the landlord on behalf of the tenant shall be held~~ in *either* a separate *interest-bearing account or noninterest-bearing* account for the benefit of the tenant, ~~by the landlord~~ and *in either event the landlord* shall not *commingle such moneys* ~~be commingled~~ with any other funds of the landlord. *The landlord shall not hypothecate, pledge, or in any other way make use of such moneys until such moneys are actually due the landlord*; or

(b) ~~, in the alternative, the landlord shall~~ Post a surety bond with the clerk of the circuit court in the county in which the dwelling unit is located in the total amount of the security deposits and advance rent he holds on behalf of the tenants or $50,000, whichever is less, executed by the landlord as principal and a surety company authorized and licensed to do business in the state as surety. The bond shall be conditioned upon the faithful compliance of the landlord with the provisions of this section and shall run to the Governor for the benefit of any tenant injured by the landlord's violation of the provisions of this section.

~~(2) Whenever the landlord shall require a security deposit or advance rent which is held in excess of 6 months by the landlord or his agent, it shall accumulate interest at the rate of 5 percent per annum, simple interest. However, no interest shall be required to be paid to the tenant when such moneys are held in a separate account for the benefit of the tenants~~

~~and not commingled with other funds of the landlord. The landlord shall not hypothecate, pledge, or in any other way make use of such moneys until such moneys are actually due the landlord.~~ If *the deposit moneys or advance rents* ~~such commingled funds~~ are deposited in an interest-bearing account, said account shall be in a Florida banking institution, and the landlord shall immediately notify the tenant of the name and address of the banking institution and the amount of his money so deposited, and the tenant shall receive and collect at least 75 percent of the interest payable on such account. *If the commingled funds are used in any other manner, the tenant shall receive and collect interest at the rate of 5 percent per annum, simple interest.* ~~in lieu of the payment of 5 percent interest by the landlord.~~

(2) The landlord shall, within 30 days of receipt of advance rent or a security deposit, notify the tenant in writing of the manner in which the landlord is holding the advance rent or security deposit, the rate of interest, if any, which the tenant is to receive, and the time of interest payments to the tenant. Such written notice shall:

(a) Be given in person or by mail to the tenant.

(b) State the name and address of the depository where the advance rent or security deposit is being held, whether the advance rent or security deposit is being held in a separate account for the benefit of the tenant or is commingled with other funds of the landlord, and, if commingled, whether such funds are deposited in an interest-bearing account in a Florida banking institution.

(c) Include a copy of the provisions of subsection (3). Subsequent to providing such notice, should the landlord change the manner or location in which he is holding the advance rent or security deposit, he shall notify the tenant within 30 days of the change according to the provisions herein set forth. The landlord shall pay directly to the tenant or credit against the current month's rent, the interest to the tenant, at least once annually. This subsection shall not apply to any landlord who rents fewer than five individual dwelling units. Failure to provide this notice shall not be a defense to the payment of rent when due.

(3)(a) Upon the vacating of the premises for termination of the lease, the landlord shall have 15 days to return said security deposit together with interest or in which to give the tenant written notice by certified mail to the tenant's last known mailing address of his intention to impose a claim thereon *and the reason for imposing the claim.* The notice shall contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of _____ upon your security deposit, *due to* _____. It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to (landlord's address) .... If the landlord fails to give the required notice within the 15-day period, he forfeits his right to impose a claim upon the security deposit.

(4) The provisions of this section shall not apply to transient rentals by hotels or motels as defined in chapter 509, nor shall it apply *in* ~~to~~ those instances *where prohibited by federal law* ~~in which the amount of rent or deposit, or both, is regulated by law or rules or regulations of a public body, including federally administered or regulated housing programs, s. 202, s. 221(d)(3), or s. 236 of the National Housing Act as amended, other than for rent stabilization.~~

(7) Upon the sale or transfer of title of the rental property from one owner to another, or upon a change in the designated rental agent, any and all security deposits or advance rents being held for the benefit of the tenants shall be transferred to the new owner or agent, together with any earned interest, and with an accurate accounting reflecting the amounts to be credited to each tenant account. Upon the transfer of such funds and records as stated herein, and upon transmittal of a written receipt therefor, the transferor shall be free from the obligation imposed in subsection (1) to hold such moneys on behalf of the tenant. However, nothing herein shall exempt the landlord or agent from violation of the provisions of this section while in possession of such deposits.

Section 21. Paragraph (a) of subsection (2) of section 83.51, Florida Statutes, is amended to read:

83.51 Landlord's obligation to maintain premises.—

(2)(a) Unless otherwise agreed in writing, in addition to the requirements of subsection (1), the landlord of a dwelling unit other than a single-family home or duplex shall, at all times during the tenancy, make reasonable provisions for:

1. The extermination of rats, mice, roaches, ants, *wood-destroying organisms,* and bedbugs. *When vacation of the premises is required for extermination, the landlord shall not be liable for damages, but shall abate the rent.*

2. Locks and keys.

3. The clean and safe condition of common areas.

4. Garbage removal and outside receptacles therefor.

5. Heat during winter, running water, and hot water.

Section 22. Subsections (1), (2), and (3) of section 83.56, Florida Statutes, are amended to read:

83.56 Remedies; termination of rental agreement.—

(1) If the landlord materially fails to comply with s. 83.51 (1) [F. S. 1973] or material provisions of the rental agreement within 7 days after delivery of written notice by the tenant specifying the noncompliance and indicating the intention of the tenant to terminate the rental agreement by reason thereof, the tenant may terminate the rental agreement. If the failure to comply with s. 83.51(1), [F. S. 1973] or material provisions of the rental agreement is due to causes beyond the control of the landlord and the landlord has made and continues to make every reasonable effort to correct the failure to comply, the rental agreement may be terminated or altered by the parties, as follows:

(a) If the landlord's failure to comply renders the dwelling unit untenantable and the tenant vacates, the tenant shall not be liable for rent during the period the dwelling unit remains uninhabitable.

(b) If the landlord's failure to comply does not render the dwelling unit untenantable and the tenant remains in occupancy, the rent for the period of noncompliance shall be reduced by an amount in proportion to the loss of rental value caused by the noncompliance.

(2) If the tenant materially fails to comply with s. 83.52 [F. S. 1973] or material provisions of the rental agreement, other than a failure to pay rent, *the landlord may:*

(a) If such noncompliance is of a nature that the tenant should not be given an opportunity to cure, or constitutes a subsequent or continuing noncompliance after a prior written warning by the landlord, deliver a written notice to the tenant specifying the noncompliance and the landlord's intent to terminate the rental agreement by reason thereof. Examples of noncompliance which are of a nature that the tenant should not be given an opportunity to cure shall include, but not be limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance. In such event, the landlord may terminate the rental agreement and the tenant shall have 7 days from the date that the notice is delivered to vacate the premises. The notice shall be adequate if in substantially the following form:

You are advised that your lease is terminated effective immediately. You shall have 7 days from the delivery of this letter to vacate the premises. This action is taken because . . . (cite the noncompliance) . . .

(b) If such noncompliance is of a nature that the tenant should be given an opportunity to cure, deliver a written notice to the tenant specifying the noncompliance, including a notice that if the noncompliance is not corrected within 7 days from the date the written notice is delivered, the landlord shall terminate the rental agreement by reason thereof. Examples of such noncompliance shall include, but not be limited to, activities in contravention of the lease or this act such as, but not limited to, unauthorized pets, unauthorized guests, unauthorized vehicles or parking, or failure to keep the premises clean and sanitary. The notice shall be adequate if in substantially the following form:

You are hereby notified that ... (cite the noncompliance) .... Demand is hereby made that you remedy the noncompliance within 7 days of receipt of this notice or your lease shall be deemed terminated and you shall vacate the premises upon such termination. ~~within 7 days after delivery of written notice by the landlord specifying the noncompliance and indicating the intention of the landlord to terminate the rental agreement by reason thereof, the landlord may terminate the rental agreement.~~

(3) If the tenant fails to pay rent when due and the default continues for 3 days *(excluding Saturdays, Sundays, and legal holidays)* after delivery of written demand by the landlord for payment of the rent or possession of the premises, the landlord may terminate the rental agreement. *The 3-day notice shall contain a statement in substantially the following form:*

You are hereby notified that you are indebted to me in the sum of .... dollars for rent and use of the premises ... (address of leased premises, including county) ..., Florida, now occupied by you, and that I demand payment of the said rent or possession of said premises within 3 days (excluding Saturdays, Sundays, and legal holidays) from the date of delivery of this notice, to wit: on or before the .... day of ...., 19.... (landlord's name, address and phone number) ....

Section 23. Subsection (2) and paragraph (c) of subsection (3) of section 83.59, Florida Statutes, are amended to read:

83.59 Remedies; right of action for possession.—

(2) A landlord applying for the removal of a tenant shall file in the county court of the county where the premises are situated a complaint describing the dwelling unit and stating the facts that authorize its recovery. The landlord is entitled to the summary procedure provided in s. 51.011 [F. S. 1971], and the court shall advance the cause on the calendar.

(3) The landlord shall not recover possession of a dwelling unit except:

(c) When the tenant has abandoned the dwelling unit. In the absence of actual knowledge of abandonment, it shall be presumed that the tenant has abandoned the dwelling unit if he is absent from the premises for a period of time equal to one-half the time for periodic rental payments. However, this presumption shall not apply if the rent is current or the tenant has notified the landlord, *in writing*, of an intended absence.

Section 24. *(1) No tenant having a tenancy of one year or greater shall unreasonably be denied access to any available franchised or licensed cable television service, nor shall such tenant or cable television service be required to pay anything of value in order to obtain or provide such service except those charges normally paid for like services by residents of, or providers of such services to, single family homes within the same franchised or licensed area and except for installation charges as such charges may be agreed to between such tenant and the provider of such services.*

(2) In determining whether to permit cable television service to a rental unit or complex, a landlord shall be authorized:

(a) To require that the cable television company submit to the landlord for approval detailed plans, specifications and schematics for the proposed installation;

(b) To require that the installation of the cable be in harmony with the existing character of the complex and designed to maintain the aesthetic features of the site.

(3) Nothing herein shall be construed to require a landlord to permit more than one franchised cable television company to service the tenants residing in his rental units.

(4) Nothing herein shall be construed to require a landlord who has installed an independent television receiving unit, which provides a television signal comparable to cable for use by tenants, to accept installation and provision of cable television services from any cable television company.

(5) Any cable television company which is authorized to provide service to a rental unit or complex shall be responsible for paying to the landlord any costs, expenses or property damage that are incurred by the landlord during the installation, repair or removal of the cable. Payment of such amounts shall not be construed as a payment of value in order to obtain or provide cable television services.

(6) In the event a cable television company which has been authorized to provide services to a rental unit or complex fails to substantially comply with the plans, specifications and requirements as agreed upon with the landlord, the landlord shall be authorized to require the immediate removal of all cable equipment. Failure to remove the equipment within a reasonable time period shall make the cable television company liable pursuant to the provisions of s. 810.08.

(7) Nothing herein shall be construed to supersede or in any way replace local cable television franchise agreements that provide stricter standards then those outlined in this section.

(8) A landlord may waive in writing all or part of the requirements of this section.

(Renumber subsequent sections.)

Senators Jenne, Margolis and Scott offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 2—On page 8, line 3, insert: Section 7. 83.47 Prohibited provisions in rental agreements.—

(3) No landlord may prohibit a tenant from usage of a flotation bedding system in a dwelling unit, provided that the flotation bedding system is not violative of applicable building codes. Landlord may require the tenant to carry in the tenant's name flotation insurance as is standard in the industry in an amount deemed reasonable to protect the tenant and owner against personal injury and property damage to the dwelling units. In any case, the policy shall carry a loss payable clause to the owner of the building.

(Renumber subsequent sections.)

Senator Langley moved the following amendments which were adopted:

Amendment 3—On page 13, strike line 16 and insert: Section 14. This act shall take effect upon becoming law and shall not affect any litigation pending on that date.

Amendment 4—In title on page 2, line 20, after the semicolon ";" insert: amending s. 83.13, Florida Statutes, relating to distress for rent; reenacting ss. 83.14, 83.15, 83.18, and 83.19, Florida Statutes, relating to the levy of a writ, the replevy of distrained property, claims by third persons, verdict and judgment, and the sale of distrained property in distress for rent proceedings; amending s. 83.41, Florida Statutes, providing legislative intent; amending s. 83.49(1), (2), (3)(a), and (4), Florida Statutes, and adding a new subsection (7) thereto, providing that interest upon certain security deposits held by a landlord shall be at the rate of 5 percent per annum; providing for the disposition of security deposits upon the sale or transfer of the rental property; amending s. 83.51(2)(a), Florida Statutes, providing the landlord liability with respect to the extermination of certain organisms upon rental property; amending s. 83.56(1), (2), and (3), Florida Statutes, relating to the termination of a rental agreement for noncompliance; providing notice; amending s. 83.59(2) and (3)(c), Florida Statutes, providing that a tenant must inform a landlord in writing of an intended absence from the premises, under certain circumstances; prohibiting unreasonable denial of access to cable television services;

Senators Jenne, Margolis and Scott offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 5—In title on page 1, line 18, following the word "matters"; insert: relating to prohibited provisions in rental agreements; re

On motion by Senator Peterson, by two-thirds vote HB 1075 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Grizzle	Jenkins
Anderson	Frank	Hair	Jennings
Beard	Gersten	Henderson	Kirkpatrick
Childers, D.	Gordon	Hill	Langley

Lewis	Peterson	Skinner	Tobiassen
Margolis	Poole	Steinberg	Trask
Maxwell	Rehm	Stevens	Vogt
McClain	Renick	Stuart	Ware
Neal	Scott	Thomas	

Nays—2

Carlucci Johnston

Vote after roll call:

Yea—Jenne

CS for SB 988 was laid on the table.

HB 1066—A bill to be entitled An act relating to hazardous materials safety; creating s. 404.30, Florida Statutes; making Florida a party to the Southeast Interstate Low-Level Radioactive Waste Compact; providing policy and purpose; providing definitions; providing rights and obligations; providing for the creation of the Southeast Interstate Low-Level Radioactive Waste Commission; providing for the development and operation of regional facilities; providing for the effect of the act on other laws, rules, and regulations; providing for eligible parties, withdrawal, revocation, entry into force, and termination; providing for severability and construction; providing penalties; creating s. 404.31, Florida Statutes, providing for the state's participation in the compact; amending the introductory paragraph and subsection (8) of s. 404.031, Florida Statutes, and adding new subsections (6), (7), and (15); clarifying language; providing definitions; amending ss. 404.042, 404.061(2), (3), and (4), 404.071(1) and (3), 404.091, 404.101, 404.141, 404.161, and 404.-171, Florida Statutes; clarifying language; amending s. 404.051 (4), (5), (6), (7), (8), (9), (11), (12), and (14), Florida Statutes, and adding subsections; clarifying language; providing for the powers and duties of the Department of Health and Rehabilitative Services with respect to low-level radioactive waste; amending s. 404.081(1)(a), Florida Statutes; directing the department to require certain persons to maintain appropriate records by utilizing existing data reporting systems; amending s. 404.111(1) and (2), Florida Statutes; requiring any person possessing a commercial low-level radioactive waste management license to be bonded; providing for department expenditure of forfeited bond moneys; amending s. 404.121, Florida Statutes; clarifying language; requiring such licensees to deposit specified funds in certain perpetual care trust funds; amending s. 404.131, Florida Statutes; clarifying language; providing fees; amending s. 404.151, Florida Statutes; clarifying language; providing injunctive relief for violations of the provisions of the Southeast Interstate Low-Level Radioactive Waste Compact; creating s. 404.162, Florida Statutes; providing for administrative fines; creating s. 404.181, Florida Statutes; providing for licensing of commercial low-level radioactive waste management facilities; creating s. 404.191, Florida Statutes; providing for the siting of such facilities; providing an appropriation; providing for review and repeal in accordance with the Regulatory Sunset Act; adding subsections (68) and (69) to s. 316.003, Florida Statutes, defining "hazardous material" and "transportation"; amending s. 316.302, Florida Statutes; providing that hazardous materials and the vehicles used for transporting hazardous materials upon the roads of this state shall be subject to federal law, enforceable by agents of the Department of Transportation; deleting provisions relating to marking or placarding of such vehicles and other matters relative thereto; authorizing agents of the Department of Transportation and the Florida Highway Patrol to enforce certain rules governing the packaging, labeling, and handling of such materials while being transported; removing an exemption; amending s. 381.512, Florida Statutes; modifying the rulemaking authority of the Department of Health and Rehabilitative Services with respect to the identification and transportation of certain radioactive materials; removing the Public Service Commission as an agency entitled to enforce such rules; removing a limitation on inspection authority to permit inspection other than during the hours of business operation; providing for notification of the Department of Health and Rehabilitative Services with respect to shipment of radioactive materials; providing duties of the department upon receipt of such notice; providing requirements with respect to shipping papers, proposed routes, and permit applications; removing the condition that any practice in the transportation of radioactive materials must constitute a "clear and imminent danger to the public health, property, or safety" before the department may issue an order requiring correction of a violation; increasing the penalty for violation; creating s. 252.60, Florida Statutes; providing purpose and intent; providing definitions; providing for the development, preparation, testing, and implementation of radiological emergency response plans; providing powers and duties of the Secretary of Veteran and Community Affairs with respect thereto; providing that funding shall be provided by the operators; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1066 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Beard	Henderson	McClain	Stevens
Carlucci	Hill	Neal	Stuart
Childers, D.	Jenkins	Peterson	Thomas
Dunn	Jennings	Poole	Tobiassen
Frank	Johnston	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Lewis	Scott	

Nays—None

Vote after roll call:

Yea—Jenne

Abstained from voting

I did not vote on HB 1066. This was a 54 page bill that was placed on my desk less than 5 minutes before the vote. I cannot conscientiously vote on a measure of this magnitude, either for or against.

Richard H. Langley, 11th District

By the Committee on Natural Resources and Conservation and Senator Vogt—

CS for SB 991—A bill to be entitled An act relating to pollution control; creating part VIII of chapter 403, Florida Statutes; providing legislative intent; providing definitions; establishing and authorizing the Department of Environmental Regulation to administer the Florida Pollutant Discharge Elimination System permit program; providing procedures for issuance of permits to discharge pollutants; providing for enforcement by the Department of Environmental Regulation; amending s. 403.031(11), Florida Statutes; requiring the United States or its agencies to obtain permits pursuant to chapter 403, Florida Statutes; amending s. 403.087(6), Florida Statutes, and adding subsection (8) to said section; providing for issuance, modification, or revocation of a permit; amending s. 403.091, Florida Statutes; authorizing inspection of facilities and records; establishing procedures for issuance of inspection warrants; amending s. 403.511(3), Florida Statutes; providing time periods for certifications; adding s. 403.8055(6), Florida Statutes; requiring specific reference to federal regulations being adopted by the state; providing penalties; amending s. 288.514(3), Florida Statutes, and adding subsection (6) to said section; providing for effects of certification; establishing time periods for certifications; adding s. 20.261(5), Florida Statutes; providing restrictions on income of persons who take final agency action on permits to discharge; providing an appropriation; providing severability; creating seven engineer III positions in the Department of Environmental Regulation; providing an effective date.

—was read the first time by title and SB 991 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 991 was read the second time by title.

Senator Vogt moved the following amendment which was adopted:

Amendment 1—On page 20, lines 20-24, strike all of Section 9 and renumber subsequent sections.

On motion by Senator Vogt, by two-thirds vote CS for SB 991 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Beard	Henderson	Maxwell	Stevens
Carlucci	Hill	McClain	Stuart
Childers, D.	Jenkins	Neal	Thomas
Dunn	Jennings	Peterson	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware

Nays—None

Vote after roll call:

Yea—Jenne

By the Committee on Judiciary-Civil and Senator Hair—

CS for SB 881—A bill to be entitled An act relating to clerks of court; amending ss. 28.24 and 28.241(1), (2), and (3), Florida Statutes; revising service charges for clerks of the circuit courts; amending s. 34.041(1), Florida Statutes; revising service charges in county courts; amending ss. 55.141(2), 197.-261, 197.291(2), and 712.06(3), Florida Statutes; correcting cross references; providing an effective date.

—was read the first time by title and SB 881 was laid on on the table.

On motions by Senator Hair, by two-thirds vote CS for SB 881 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	Neal	Stuart
Dunn	Jennings	Peterson	Thomas
Frank	Johnston	Poole	Tobiassen
Gersten	Kirkpatrick	Rehm	Trask
Gordon	Langley	Renick	Vogt
Grizzle	Lewis	Scott	
Hair	Margolis	Skinner	

Nays—1

Childers, D.

Vote after roll call:

Yea—Jenne

Consideration of SB 576 was deferred.

By the Committee on Judiciary-Civil and Senator Henderson—

CS for SB 415—A bill to be entitled An act relating to the judiciary; creating s. 25.384, Florida Statutes, creating the Court Education Trust Fund; providing for the Supreme Court, through the Florida Court Educational Council, to administer the fund; providing for certain education and training for judges, clerks, court administrators, and other judicial employees; requiring a comprehensive plan; amending s. 28.241(1), Florida Statutes, providing an additional $1 service charge on certain civil actions for the purposes of the fund; providing an effective date.

—was read the first time by title and SB 415 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 415 was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 2, strike lines 2-4 and insert: judicial education for judges, the state court administrator and his staff, trial court administrators, and appellate court law clerks. In addition, funds may be used for the development and implementation of an educational program for the clerks of court as set forth in s. 145.051(2).

Amendment 2—On page 2, line 10, strike "identifying the" and insert: including the total number of

Amendment 3—On page 2, line 14, after the word "shall" insert: identify the judges and other court personnel attending out-of-state programs, and costs associated with such programs, and will also

Amendment 4—In title on page 1, line 10, insert: requiring an annual report to be submitted to the President of the Senate and the Speaker of the House of Representatives;

On motion by Senator Johnston, further consideration of CS for SB 415 was deferred.

On motion by Senator Neal, the Senate reconsidered the vote by which—

HB 426—A bill to be entitled An act relating to ad valorem taxation; designating parts I-VIII of chapter 197, Florida Statutes; transferring and renumbering various sections; amending ss. 190.024, 193.1145(10)(a), 197.013(5), 197.116(9), 197.226(1), 336.59(2), and 582.44, Florida Statutes, correcting cross references; repealing s. 197.356, Florida Statutes, relating to implementation of revisions of chapter 197; providing an effective date.

—as amended passed this day.

On motion by Senator Neal, the Senate reconsidered the vote by which HB 426 was read the third time.

On motion by Senator Neal, the Senate reconsidered the vote by which Amendment 1 was adopted.

Senators Ware and Neal offered the following amendment to Amendment 1 which was moved by Senator Neal and adopted:

Amendment 1A—On page 5, line 1, strike the number "20th" and insert: 25th

Amendment 1 as amended was adopted.

On motion by Senator Neal, HB 426 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Langley	Renick
Anderson	Hair	Lewis	Skinner
Beard	Henderson	Margolis	Steinberg
Carlucci	Hill	Maxwell	Stevens
Childers, D.	Jenkins	McClain	Stuart
Dunn	Jenne	Neal	Tobiassen
Frank	Jennings	Peterson	Trask
Gersten	Johnston	Poole	Vogt
Gordon	Kirkpatrick	Rehm	Ware

Nays—None

On motion by Senator Vogt, the Senate reconsidered the vote by which—

CS for SB 991—A bill to be entitled An act relating to pollution control; creating part VIII of chapter 403, Florida Statutes; providing legislative intent; providing definitions; establishing and authorizing the Department of Environmental Regulation to administer the Florida Pollutant Discharge Elimination System permit program; providing procedures for issuance of permits to discharge pollutants; providing for enforcement by the Department of Environmental Regulation; amending s. 403.031(11), Florida Statutes; requiring the United States or its agencies to obtain permits pursuant to chapter 403, Florida Statutes; amending s. 403.087(6), Florida Statutes, and adding subsection (8) to said section; providing for

issuance, modification, or revocation of a permit; amending s. 403.091, Florida Statutes; authorizing inspection of facilities and records; establishing procedures for issuance of inspection warrants; amending s. 403.511(3), Florida Statutes; providing time periods for certifications; adding s. 403.8055(6), Florida Statutes; requiring specific reference to federal regulations being adopted by the state; providing penalties; amending s. 288.514(3), Florida Statutes, and adding subsection (6) to said section; providing for effects of certification; establishing time periods for certifications; adding s. 20.261(5), Florida Statutes; providing restrictions on income of persons who take final agency action on permits to discharge; providing an appropriation; providing severability; creating seven engineer III positions in the Department of Environmental Regulation; providing an effective date.

—as amended passed this day.

Senator Vogt moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 20, strike lines 20-30, and on page 21, lines 1-9 and insert: Section 9. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. Section 403.924 as created by this act shall take effect when the later of the following occurs:

(a) the date of approval by the United States Environmental Protection Agency of the Florida Pollutant Discharge Elimination System program and

(b) appropriation of sufficient funds to the Department of Environmental Regulation to administer the Florida Pollutant Discharge Elimination System Program.

All other of the provisions of this act shall take effect July 1, 1982.

Senator Vogt moved the following amendment which was adopted:

Amendment 3—In title on page 2, strike lines 3 - 7 and insert: discharge; providing severability; providing an effective date with conditions.

On motion by Senator Vogt, CS for SB 991 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gordon	Johnston	Rehm
Barron	Grizzle	Kirkpatrick	Steinberg
Beard	Hair	Langley	Stevens
Carlucci	Henderson	Margolis	Stuart
Childers, D.	Hill	McClain	Thomas
Dunn	Jenkins	Neal	Trask
Frank	Jenne	Peterson	Vogt
Gersten	Jennings	Poole	Ware

Nays—None

Vote after roll call:

Yea—Renick

The Senate resumed consideration of—

CS for SB 415—A bill to be entitled An act relating to the judiciary; creating s. 25.384, Florida Statutes, creating the Court Education Trust Fund; providing for the Supreme Court, through the Florida Court Educational Council, to administer the fund; providing for certain education and training for judges, clerks, court administrators, and other judicial employees; requiring a comprehensive plan; amending s. 28.241(1), Florida Statutes, providing an additional $1 service charge on certain civil actions for the purposes of the fund; providing an effective date.

Senator Rehm moved the following amendment:

Amendment 5—On page 2, line 2, strike all words after "Judges,", on line 3, strike entire line, on line 4, strike words "assistants, secretaries,"

On motion by Senator Rehm, further consideration of CS for SB 415 was deferred.

On motion by Senator Dunn, all bills remaining on the special order calendar were established as a special order for March 25.

Conference Committee Appointed

The President announced the appointment of Senators Barron, Beard, Gersten, Henderson, Jenkins, Jennings, Johnston, Kirkpatrick, Lewis, Margolis, Scott and Vogt as conferees on legislative apportionment to resolve the differences between the House and Senate.

ENROLLING REPORTS

CS for SB 704, SB 339, CS for SB 914, SB 154, SB 246, SB 256, CS for SB 395, SB 474, SB 810, SB 143, SB 439, SB 511, SB 682, CS for SB's 678, 970 and 483, SB 66, CS for SB 78, SB 293, SB 320, CS for SB 490, SB 973, CS for SB 140, SB 49, CS for SB 89, SB 149, SB 281, SB 322, CS for SB 805, SB 922, SB 473, CS for SB 684, SB 44, SB 67, SB 73, CS for SB 75, CS for SB 420, CS for SB 636, SB 674, SB 729, CS for SB 902, CS for SB 591, SB 597, SB 255, CS for SB's 298 and 101, SB 306, CS for SB 315, CS for SB 410, CS for SB 620, SB 688, CS for SB 885, CS for SB 898, SB 604, CS for SB 630, CS for SB 686, SB 921, CS for SB 800, SB 136, SB 279, SB 417, SB 672, CS for SB 932, SB 26, SB 35, CS for SB 42, SB 92, CS for SB 168, SB 189, CS for SB 263, SB 388, SB 422, SB 600, CS for SB 647, SB 939, SB 1011, SB 1013, SB 641 and SB 1020 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 23, 1982.

Joe Brown, Secretary

SCR 1024, SCR 1026, SCR 1023, SJR 1037 and SJR 1035 have been enrolled and filed with the Secretary of State on March 23, 1982.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 18 was corrected and approved as follows:

Page 522, column 2, between lines 18 and 19 in third column of roll call, insert: McClain

The Journal of March 9 was further corrected and approved as follows:

Page 352, column 1, from bottom, line 24, strike "206" and insert: 209

On motion by Senator Dunn, the Senate adjourned at 11:57 a.m. to convene at 10:00 a.m., Thursday, March 25, or upon call of the President.