Session Law 83-100

Florida Senate & House of Representatives

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### Committee Records

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### Senate/House Journals

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### Tape Recordings

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### Other Documentation

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Eighty-fifth
Regular Session
since Statehood in 1845
April 5 through June 13, 1983

Including a record of transmittal of Acts subsequent to sine die adjournment
May 16, 1983

offers an invitation to the Federation Internationale de Football Association to consider Florida as a site for matches for that tournament.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the United States delegation led by Dr. Henry Kissinger and the Honorable Cyrus R. Vance as a tangible token of the sentiments expressed herein.

—was read the first time by title, second time in full, and adopted.

SPECIAL ORDERS

Consideration of SB 297 was temporarily deferred.

HB 207—A bill to be entitled An act relating to the grand jury; amending s. 905.01, Florida Statutes, authorizing the replacement of grand jurors; authorizing the convening of two contemporaneous grand juries in certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice offered the following amendment:

Amendment 1—On page 1, line 15, strike “court” and insert: “chief judge of any circuit court; on page 1, line 23 before “judge” insert: “chief.”

Rep. Martinez moved the adoption of the amendment, which was adopted.

The Committee on Criminal Justice offered the following amendment:

Amendment 2—On page 1, line 30, insert after the period:

Rep. Martinez moved the adoption of the amendment, which was adopted.

The Committee on Criminal Justice offered the following amendment:

Amendment 3—On page 1, line 17, insert after the word “jury,”

Such replacement shall be made by appropriate order of the chief judge from the list of prospective jurors from which the replaced grand juror was selected.

Rep. Martinez moved the adoption of the amendment, which was adopted.

The Committee on Criminal Justice offered the following amendment:

Amendment 4—On page 1, lines 30-31, insert: “Section 905.17, Florida Statutes, is amended to read:

(4) A witness before the grand jury shall have the right to be accompanied by Counsel in his or her appearance before the grand jury. Such Counsel shall not be permitted to address the grand jury, raise objections, make arguments, or otherwise disrupt proceedings before the grand jury. Such Counsel is authorized to disclose matters which occur before the grand jury to the same extent as is permitted to the Client.

(5) If the Court determines that Counsel for a grand jury witness has violated subsection (4), then the Court may take such measures as are necessary to ensure compliance with the rule, including expulsion of the offending Counsel from the grand jury room. (renumber subsequent sections)

Rep. Friedman moved the adoption of the amendment. On motion by Rep. Simon, the amendment was laid on the table. The vote was:

Year-58

Aiken
Arndt
Baker
Branch
Brown, T. C.
Casas
Cortina
Crandley
Crandley
Dancy
Danzal
Dantker
Drender
Dugdell
Dula
Duley

Yeas-58

Abrams
Armstrong
Bankshead
Bass
Brown, C.
Burke
Burnside
Burrill
Carlton
Clark
Coagrove
Davis

Nays-52

Aramo
Armstrong
Bankshead
Bass
Brown, C.
Burke
Burnside
Burrill
Carlton
Clark
Coagrove
Davis

Votes after roll call:

Year—Young, D. L. Jones
Nays to Yeas—Davis

Under Rule 8.19, the bill was referred to the Engrossing Clerk.

HB 481—A bill to be entitled An act relating to the offense of trespass; amending s. 810.08 (2), Florida Statutes; providing that trespass of a structure or conveyance that is a dwelling is a felony of the third degree; providing penalties; providing an effective date.

—was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

HB 642—A bill to be entitled An act relating to county govern­ment; amending s. 125.35 (1), Florida Statutes; authorizing a board of county commissioners to lease property belonging to the county seaport operation or facility, under certain conditions; providing an effective date.

—was read the second time by title.

Representative Spaet offered the following amendment:

Amendment 1—On page 2, line 5, after the word “effect” insert:

Rep. Spaet moved the adoption of the amendment, which was adopted without objection.

Representative Spaet offered the following amendment:

Amendment 2—On page 1, line 24, after the period insert:

Rep. Spaet moved the adoption of the amendment, which was adopted without objection.

Representative Spaet offered the following amendment:

Amendment 3—On page 1, line 21, before “judges” insert: “chief judge of any circuit court; on page 1, line 30, insert after the period:

Rep. Spaet moved the adoption of the amendment, which was adopted without objection.

Under Rule 8.19, the bill was referred to the Engrossing Clerk.
tion of the port and be required to be physically located within the jurisdiction of the port authority.

Rep. Spaet moved the adoption of the amendment, which was adopted without objection. Under Rule 8.19, the bill was referred to the Engrossing Clerk.

HB 606—A bill to be entitled An act relating to maternal death; amending s. 382.081 (3) and (4), Florida Statutes, and adding subsection (5) thereto, requiring that medical certification of death shall include a determination as to whether the death was a maternal death; providing a definition of maternal death; creating s. 383.22, Florida Statutes, providing legislative intent; authorizing the director of the Health Program Office of the Department of Health and Rehabilitative Services to initiate a prompt and thorough investigation of all reported maternal deaths; providing an effective date.

—was read the second time by title.

Representative Lehman offered the following amendment:

Amendment 1—On page 2, line 7, after the period insert:

...and terms shall have the following meanings unless some other meaning is plainly indicated:...

—was read the first time by title. On motion by Rep. Lippman, the rules were waived and the bill was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

HB 1149—A bill to be entitled An act relating to hazardous materials safety; amending s. 404.30, Florida Statutes, 1982 Supplement, changing the name of the Southeast Interstate Low-Level Radioactive Waste Compact to the Southeast Interstate Low-Level Radioactive Waste Management Compact; providing legislative policy and purpose; providing definitions; providing for rights and obligations of party states; creating the Southeast Interstate Low-Level Radioactive Waste Management Commission; directing the commission to identify a host state for the development of a second regional disposal facility under certain circumstances; authorizing the commission to adopt an institutional formulary system for the identification of radioactive and hazardous materials safety; amending s. 404.30, Florida Statutes, 1982 Supplement, providing legislative intent; authorizing the development and operation of facilities; providing for the effect of the compact on other laws, rules and regulations; including Virginia within the list of parties to the compact; providing for the disposition of personal property left by the landlord; providing procedures for the sale of abandoned property; authorizing the release of personal property by the landlord; requiring notification of tenant for the sale of abandoned property; providing for the development and operation of facilities; providing for the sale of abandoned property; making a change in the definition of mobile home located: on the lot.

—was read the second time by title.

Representative Drage offered the following amendment:

Amendment 1—On page 3, lines 14-26, strike all of said lines and insert the following, resuming remaining sections accordingly:

...and terms shall have the following meanings unless some other meaning is plainly indicated:...

—was read the second time by title.

Representative Deutsch offered the following amendment:

Amendment 1—On page 22, line 6, after the period insert: Section 3. There is hereby created the Florida Study Commission on Nuclear Power. The commission shall consist of five members of the general public selected by the Speaker of the House of Representatives.

The purpose of the commission shall be to study Florida's participation in the Southeast Interstate Low-Level Radioactive Waste Management Compact. The commission shall further study the phasing out of nuclear power in the State of Florida and shall report to the Legislature prior to the first day of the 1984 regular session. (and resumer the subsequent section)

Rep. Deutsch moved the adoption of the amendment. Rep. Shackelford raised a point of order under Rule 11.8 that the amendment was not germane to the consideration thereof. Rep. Lippman, Chairman, advised that the Committee on Regulatory Reform will deal with Sunset review of nuclear power next session. Without objection, the amendment was withdrawn. Under Rule 8.19, the bill was referred to the Engrossing Clerk.

HB 1150—A bill to be entitled An act relating to state parks and preserves; amending s. 358.39 (28), Florida Statutes, changing the boundaries of the Estero Bay Aquatic Preserve; providing an effective date.

—was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

HB 1154—A bill to be entitled An act relating to landlord and tenant; amending s. 83.05, Florida Statutes, specifying alternative methods by which a landlord may recover possession of nonresident premises; amending s. 83.22, Florida Statutes, providing additional duties for certain service of summons for the removal of a tenant; creating part V of chapter 83, Florida Statutes; creating the "Disposition of Personal Property Landlord and Tenant Act"; providing procedures for the disposition of personal property left by a residential or commercial tenant; providing definitions; providing certain prerequisites to disposition; requiring notification of tenant and specifying the form of notice; providing for the storage of abandoned personal property by the landlord; providing procedures for the sale of abandoned property; exempting the landlord from certain liability after disposition of the property; providing for the assessment of the cost of storage; providing an effective date.

—was read the second time by title.

Representative Drage offered the following amendment:

Amendment 1—On page 3, lines 14-26, strike all of said lines and insert the following, resuming remaining sections accordingly:

...and terms shall have the following meanings unless some other meaning is plainly indicated:...

—was read the second time by title.

Section 3. Subsection (2) of section 83.43, Florida Statutes, is amended by adding a subsection (b) thereto reading as follows:

(b) A mobile home rented by a tenant.

Section 4. Definitions.— As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(1) "Declining unit" means:

(a) A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

(b) A mobile home rented by a tenant.

(2) "Mobile home lot" means:

(a) A mobile home lot within a mobile home park that is rented for occupancy by one or more persons who own the mobile home located on the lot.
A bill to be entitled
An act relating to county government; amending
s. 125.35(1), Florida Statutes, authorizing a
board of county commissioners to lease property
belonging to the county seaport operation or
facility, under certain conditions; providing
an effective date.

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

Section 1. Subsection (1) of section 125.35, Florida
Statutes, is amended to read:

125.35 County authorized to sell real and personal
property and to lease real property.--

(1) The board of county commissioners is expressly
authorized to sell and convey any property, real or personal,
and to lease real property, belonging to the county, whenever
the board determines that it is to the best interest of the
county to do so, to the highest and best bidder for the
particular use the board deems to be the highest and best or,
alternatively, in the case of an airport operation or facility
lease, or a seaport operation or facility lease, after
negotiation, for such length of term and such conditions as
the governing body may in its discretion determine. No sale
of any real property shall be made unless notice thereof is
published once a week for at least 2 weeks in some newspaper
of general circulation published in the county, calling for
bids for the purchase of the real estate so advertised to be
sold. The bid of the highest bidder, in the case of a sale,
complying with the terms and conditions set forth in such
notice shall be accepted, unless the board of county
Commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board shall determine, with each bid submitted.

Section 2. This act shall take effect October 1, 1983.

*****************************************

HOUSE SUMMARY

Authorizes the board of county commissioners to lease property belonging to the county seaport operation or facility for such length of term and such conditions as the governing body may, in its discretion, determine.

Words in italics are deletions from existing law; words underlined are additions.
Date: 4-15-83
Revised:

HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

BILL# HB 643
OTHER COMMITTEES OF REFERENCE

SPONSOR Rep. Spetz
RELATING TO County
GOVERNMENT

SUMMARY
A. Present Situation:

Present law, s. 125.35(1), Florida Statutes, authorizes counties to sell, convey, or lease, to the highest and best bidder, any property belonging to the county whenever the county determines that it is in the best interest of the county to do so.

Property for airport operation and facility leases is exempted from such bidding requirements. Such leases are negotiated by the county for length of term and conditions, as the county may in its discretion determine appropriate.

B. Effect of Proposed Changes:

This bill adds seaport operation or facility leases to the exemption from competitive bidding presently authorized for airport operations and facilities, making them negotiable.

C. Section by Section Analysis:

Section 1 of this bill amends subsection (1) of section 125.35, Florida Statutes, to provide for such exemption.

Section 2 provides an effective date.

II. ECONOMIC IMPACT
A. Public:

Any savings by local governments operating seaports would benefit local tax payers or service users.

B. Government:

The absence of competitive bidding could change the level of payments to local governments operating seaport facilities.

III. COMMENTS

According to the Seaport Department of Dade County, the Port of Miami writes and executes more than 200 leases for port users each year. Because of present advertising and other bidding requirements, it cannot ensure port users office and operation space on a year-to-year basis.

The Department estimates the economic impact of the Seaport on Dade County for 1982 was $2 billion.
AMENDMENTS

PREPARED BY Mario L. Taylor

STAFF DIRECTOR Mike Cusick

COPY TO SPONSOR 4-15-83
March 16, 1983

Mr. Mario Taylor
House Community Affairs Committee
Room 326 House Office Building
Tallahassee, Florida 32301

Dear Mr. Taylor:

Pursuant to our discussion this morning, enclosed is a copy of the analysis you requested regarding the need for the amendment to Chapter 125.35 to include Seaport operations.

I hope this information is helpful and look forward to working with you this session.

Sincerely,

[Signature]

Eileen Maloney
Intergovernmental Coordinator

cc: Carmen Lunetta
   Debbie Hart
MEMORANDUM

TO

Eileen Maloney
Intergovernmental Coordinator

DATE

March 11, 1983

FROM

Carmen J. Lunetta
Director, Seaport Department

SUBJECT

Request for Legislative Action to Amend State of Florida Statutes, Chapter 125.35, to Include Seaport Operations

Since 1961, when the Port of Miami became a department of Dade County, we have witnessed enormous growth in every parameter used for measuring growth and impact. Seaport-generated revenues have gone from $601,937 in 1961 to more than $12,000,000 in 1982. Last year, more than $3,000,000 of this revenue was profit returned to Dade County. Cargo tonnage has leaped from 411,170 in 1961 to more than 2.67 million last year, and growth in the number of cruise passengers has been staggering—from 136,275 in 1961 to almost 1.8 million last year. The overall economic impact on Dade County last year, because of the operations of this seaport, approached $2 billion.

However, the continued growth and viability of the Dade County Seaport Department is threatened by a serious inequity found in the State of Florida Statutes governing the operations of the Seaport. Of particular concern is the omission of "seaport operations" from the language embodied in F.S. Ch. 125.35, which precludes the Seaport from negotiating directly with Seaport users in the best interests of the unit.

F.S. Ch. 125.35 states:

"(1) The board of county commissioners is expressly authorized to sell and convey any property, real or personal, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best or, alternately, in the case of an airport operation or facility lease, after negotiation, for such length of term and such conditions as the governing body may in its discretion determine."

The Port of Miami writes and executes more than 200 leases for port users every year. It is patently impractical, if not impossible, for the shipping industry to conduct its business through a process which requires advertising for the "highest and best bidder" for port facilities; and, clearly, the current language casts a substantial doubt in the minds of our port users, who can never be certain that they will be able to sustain and improve upon their operations at this port on a year-to-year basis. Moreover, F.S. Ch.

Accordingly, the Port of Miami is faced with the very real prospect of losing its port users to other ports in the state and, more importantly, to other competitive ports in the South Atlantic region.
It is our urgent recommendation that F.S. Ch. 125.35 be amended so as to include “seaport operations” in order to achieve a balance which relates to existing conditions of an inequitable and unfair situation that denies the Port of Miami the opportunity to compete with other ports.

CJL:da
A bill to be entitled
An act relating to county government; amending
s. 125.35(1), Florida Statutes, authorizing a
board of county commissioners to lease property
belonging to the county seaport operation or
facility, under certain conditions; providing
an effective date.

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particular use the board deems to be the highest and best or,
alternatively, in the case of an airport operation or facility
lease, or a seaport operation or facility lease, after
negotiation, for such length of term and such conditions as
the governing body may in its discretion determine. No sale
of any real property shall be made unless notice thereof is
published once a week for at least 2 weeks in some newspaper
of general circulation published in the county, calling for
bids for the purchase of the real estate so advertised to be
sold. The bid of the highest bidder, in the case of a sale,
complying with the terms and conditions set forth in such
notice shall be accepted, unless the board of county
commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board shall determine, with each bid submitted.

Section 2. This act shall take effect October 1, 1983.

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HOUS SUMMARY

Authorizes the board of county commissioners to lease property belonging to the county seaport operation or facility for such length of term and such conditions as the governing body may, in its discretion, determine.
I. SUMMARY:

A. Present Situation:

The board of county commissioners is authorized to sell, convey, or lease property belonging to the county to the highest and best bidder. In 1977, airport operation or facility leases were exempted from this bidding requirement. Such leases may be negotiated by the county for such length of term and such conditions as the county commissioners may determine appropriate. (See s. 125.35(1), F.S.)

B. Effect of Proposed Changes:

This bill adds seaport operation and facility leases to the exemption from competitive bidding presently allowed for airport facility leases, making such leases negotiable.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Any costs incurred by county government are assumed to be passed on ultimately to county taxpayers or service users.

B. Government:

The absence of competitive bidding could result in lower payments to county governments owning and operating seaport facilities.

III. COMMENTS:

According to the Office of County Manager for Metropolitan Dade County, if the county is required to receive competitive bids from the public for seaport facility space, it cannot guarantee office and operation space for steamship lines, which are the principal users of the seaport facility.

An identical bill, HB 643, has been introduced in the House this year.

A similar bill, SB 906, was reported favorably by ECCA in 1982.

IV. AMENDMENTS:

None.
The board of county commissioners is authorized to sell, convey, or lease property belonging to the county to the highest and best bidder. In 1977, airport operation or facility leases were exempted from this bidding requirement. Such leases may be negotiated by the county for such length of term and such conditions as the county commissioners may determine appropriate. (See s. 125.35(1), F.S.)

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A similar bill, SB 643, was signed by the Officers and presented to the Governor on June 1, 1983.

A similar bill, SB 906, was reported favorably by ECCA in 1982.

IV. AMENDMENTS:

None.