



# Journal of the Senate

Number 2

Thursday, April 5, 1979

The Senate was called to order by Senator Jenne at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3. Senator Thomas represented the Committee on Rules and Calendar and Senator Maxwell represented the Minority Party.

## INTRODUCTION

By Senator Scott—

SB 581—A bill to be entitled An act relating to products liability insurers; requiring the reporting of certain data; providing criteria for determination of excessive profits; providing for rebates if an excessive profit has been realized; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Peterson and Trask—

SB 582—A bill to be entitled An act relating to public works; repealing s. 215.19, Florida Statutes, 1978 Supplement, which provides for rates of wages for laborers, mechanics and apprentices employed on certain public works; amending s. 235.32, Florida Statutes, relating to contracts entered into by school boards, to conform to this act; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Tobiassen—

SB 583—A bill to be entitled An act relating to cannabis; amending s. 893.13(1)(a), Florida Statutes; providing that the sale, delivery, or possession of more than 1,000 pounds of cannabis is a felony of the first degree; prescribing a mandatory minimum sentence; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senator Fechtcl (by request)—

SB 584—A bill to be entitled An act relating to the use of fishing nets in St. Johns County; amending s. 370.0821(1), (4), Florida Statutes, 1978 Supplement; renumbering s. 370.0821(5), Florida Statutes, 1978 Supplement, and adding a new subsection (5) to said section; exempting the use of certain recreational nets from certain prohibitions of net use; defining the term "recreational net"; prohibiting the use of recreational nets during certain times; providing a limitation on the number of fish the user of a recreational net may retain; providing penalties; providing for forfeiture of items used in violation of such provisions; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Neal (by request)—

SB 585—A bill to be entitled An act relating to community colleges; redesignating s. 230.754(2)(j), Florida Statutes, and adding a new paragraph (j) to said subsection; authorizing the board of trustees of a community college to adopt certain rules relating to parking and traffic; authorizing the board to empower persons to enforce parking rules; limiting the authority of persons so empowered; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Vogt—

SB 586—A bill to be entitled An act relating to county depositories; repealing s. 136.07, Florida Statutes, relating to the monthly reports required of each bank serving as a county depository, to the return of checks or warrants, and to the statements and reports required of county boards; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Vogt—

SB 587—A bill to be entitled An act relating to insurance; creating s. 627.647, Florida Statutes; providing that, whenever two or more surgical procedures are performed in one operating session, surgery benefits shall be paid for each covered surgical procedure performed, in accordance with the schedule of benefits in the policy; restricting policies from limiting benefits when more than one surgical procedure is performed in one operating session; declaring any such limits in any policy to be without force and effect; adding subsection (5) to s. 627.662, Florida Statutes, providing for applicability of such provisions to group disability insurance, blanket disability insurance, and franchise disability insurance; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Commerce and Ways and Means.

By Senator Scott—

SB 588—A bill to be entitled An act relating to motor vehicles; adding subsection (15) to s. 320.64, Florida Statutes, relating to the grounds for the denial, suspension or revocation of the license of motor vehicle manufacturers, factory branches, factory representatives, distributors and importers; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator McKnight—

SB 589—A bill to be entitled An act relating to improvement of public administration and management; creating ss. 241.80 and 241.81, Florida Statutes, providing legislative intent; providing for an Institute of Government in the State University System; providing for institute assistance to state and local agencies; specifying duties, headquarters and handling of funds; providing duties of the Board of Regents with respect thereto; renumbering s. 240.047, Florida Statutes, and amending subsection (3) thereof, providing for institute administration of personnel exchange programs; creating ss. 110.032 and 110.033, Florida Statutes, providing that the Department of Administration shall develop a comprehensive career development education and training policy and expanded management fellows programs; amending s. 110.071, Florida Statutes, authorizing rather than requiring reimbursement to the state for certain services; adding subsection (6) to s. 240.043, Florida Statutes, relating to institute cooperation in continuing education programs; providing an effective date and a repealer.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Senator Frank—

SB 590—A bill to be entitled An act relating to local government; creating part II of chapter 165, Florida Statutes; providing a short title; providing legislative intent; providing definitions; providing that special districts shall designate a registered agent and office; providing for meetings; requiring certain reports; providing for approval of special districts created after July 1, 1979; providing for dissolution proceedings upon failure to report; providing for review; providing for disposition of the assets, liabilities, responsibilities, and records of a dissolved district; providing for repeal or modification of certain special acts; providing for the status of a tax levy; providing for continuation of access; removing exclusivity of the proceedings set forth in part I of chapter 165, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Governmental Operations; and Ways and Means.

By Senator Frank—

SB 591—A bill to be entitled An act relating to landlord and tenant; creating part IV of chapter 83, Florida Statutes, consisting of ss. 83.800-83.822, Florida Statutes, entitled the "Florida Dormitory Space Landlord and Tenant Act," relating to the rental of dormitory space in or by the State University System; providing definitions; providing that rental agreements under the act are made in good faith; providing for unconscionable rental agreements; providing for the duration of tenancies; describing prohibited provisions in rental agreements; providing attorney's fees; providing for disclosure; setting forth the landlord's obligation to maintain premises and the tenant's obligation to maintain dormitory space; providing for the landlord's right of access to dormitory space; providing remedies; providing for the disbursement of funds held by the court under certain circumstances; providing for the power of the court to award possession of the premises and to enter money judgments; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Lewis, Carlucci, Hill and Vogt—

SB 592—A bill to be entitled An act relating to the review and management of government finances; amending s. 11.45(3) (a), Florida Statutes, and adding s. 11.45(3)(d), Florida Statutes; authorizing the Auditor General to make postaudits and performance audits of certain governmental entities; requiring an independent postaudit of certain governmental entities; requiring that such independent postaudit be filed with the Auditor General; prescribing sanctions for failure to file; requiring the Auditor General to make performance audits of the local government financial reporting system; amending s. 112.63, Florida Statutes, 1978 Supplement; prescribing standards for actuarial review of public retirement systems and plans; requiring certain retirement systems or plans to maintain certain information; prohibiting changes in benefits under a local retirement system without a hearing and statement of actuarial impact; requiring actuarial reviews and statements of actuarial impact to be filed with the Division of Retirement of the Department of Administration; authorizing the division under certain circumstances to perform such review or prepare such statement at the expense of the governmental entity the employees of which are covered by the system or plan; creating s. 112.665, Florida Statutes; prescribing duties of the Division of Retirement of the Department of Administration with respect to public employee retirement systems and plans; amending s. 165.091, Florida Statutes; requiring the Department of Community Affairs to study the financial conditions of units of local government; deleting certain powers and duties of the department; prescribing standards for the census of local government; amending s. 218.32(1), (2), Florida Statutes; requiring units of local government to file certain financial information and financial reports; prescribing sanctions for failure to file required reports; requiring the Department of Banking and Finance to file a report on local government finances; creating s. 218.37, Florida Statutes; prescribing duties of the Division of Bond Finance of the Department of General Services with respect to bonds of units of local government; authorizing the division to charge certain fees; creating s. 218.38, Florida Statutes; requiring units of local government to provide certain information to the division; prescribing sanctions for failure to provide such information; creating s. 218.391, Florida Statutes; providing cri-

teria for the Governor to declare a unit of local government to be in a state of financial emergency; authorizing the Governor to take certain actions to resolve the emergency; providing for the termination of the emergency measures; creating s. 218.393, Florida Statutes; authorizing the Auditor General to review the financial systems of a unit of local government under certain circumstances; requiring special districts to file certain documents with the clerk of the governing body of each county in which the district is located and with the Auditor General; prescribing sanctions for failure to file such documents; providing appropriations; repealing s. 121.135(1), Florida Statutes, relating to a survey of local retirement systems; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee D; and the Committee on Ways and Means.

By Senator Henderson—

SB 593—A bill to be entitled An act relating to mosquito control; adding subsection (5) to s. 388.011, Florida Statutes, amending ss. 388.021, 388.081, 388.101, 388.131, 388.141, 388.151, and 388.161, Florida Statutes, creating s. 388.182, Florida Statutes, and amending ss. 388.201(4), 388.221, 388.241, 388.271(1), 388.281(1) and (2), and 388.331, Florida Statutes; revising chapter 388, Florida Statutes, to conform the provisions thereof to current practice; defining "permanent control"; clarifying that county governing bodies may establish mosquito control programs; modifying election procedures relative to candidates for commissioner of special taxing district boards; providing for the staggering of commissioners' terms; providing a filing fee; providing for filing of surety bond within 50 days of election; providing for monthly compensation of commissioners; modifying meeting requirements; providing additional powers; providing for use of certain chemicals in the abatement of nuisances; providing conditions under which a public nuisance may be declared; providing for notice and hearing; providing for abatement of nuisances by property owners; providing for abatement by the district board in certain cases and for repayment of costs thereof by property owners; providing that costs shall become liens; providing for final work plan budgets by September 30; removing the requirement that the board treasurer personally pay out funds of the board; clarifying that it is not necessary for electors to have rejected the formation of a special taxing district in order for the county governing body to establish and administer a mosquito control program; providing for state assistance through funds, but not supplies or services; providing for approval of method for keeping books and records by the State Comptroller; providing for auditing of same pursuant to law; repealing s. 388.091, Florida Statutes, relating to form of ballot for election of commissioners; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Health and Rehabilitative Services.

By Senator Myers—

SB 594—A bill to be entitled An act relating to intangible personal property tax; amending s. 199.062(1), Florida Statutes; providing that a company, corporation, or financial institution which elects to pay the tax on its securities as agent for the registered holders thereof shall notify the Department of Revenue before April 1; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Tobiassen—

SB 595—A bill to be entitled An act relating to state-supported retirement systems; providing for a monthly increase in retirement benefits for retirees 65 years of age or older who are retired members of a state-supported retirement system; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Stuart—

SB 596—A bill to be entitled An act relating to education; requiring the Department of General Services to delegate cer-

tain powers relating to fixed capital outlay projects to the Division of Universities of the Department of Education; providing for the funding of supervisory staff for such projects; authorizing the creation of additional positions within the State University System; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Senator Johnston (by request)—

SB 597—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(b), Florida Statutes, 1978 Supplement; requiring the bylaws to provide for a proxy committee; providing for the selection and duties of the committee; providing for the invalidity of certain proxies; requiring the transmission of certain information to the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; requiring the retention of proxies for 12 months; providing for the inspection of such proxies; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Scott—

SB 598—A bill to be entitled An act relating to parole; amending s. 947.181, Florida Statutes; providing definitions; authorizing the sentencing court to require and determine the manner of performing restitution or reparation as a condition for parole; deleting the authority of the Parole and Probation Commission to fix the amount of such restitution or reparation; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Scott—

SB 599—A bill to be entitled An act relating to probation; amending s. 948.03(1), Florida Statutes, and adding a new subsection (2); authorizing the court or the Parole and Probation Commission to require restitution or reparation as a condition of probation; providing for the amount and manner of the restitution or reparation; amending s. 775.089, Florida Statutes, relating to restitution, to conform to the act; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Scott—

SB 600—A bill to be entitled An act relating to ancillary administration of wills; amending s. 734.104, Florida Statutes; providing requirements and procedures for admitting a foreign will to record and prescribing the effect thereof; repealing s. 734.103, Florida Statutes, relating to the estates of testate nonresident decedents; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Myers—

SB 601—A bill to be entitled An act relating to taxation; amending s. 220.222(1), Florida Statutes; providing the time for filing certain corporate income tax returns; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Myers—

SB 602—A bill to be entitled An act relating to the Florida Probate Code; amending s. 731.111, Florida Statutes; authorizing the Department of Revenue to enter a claim against an estate after the statutory 3-month period following publication of notice to creditors has elapsed under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Myers—

SB 603—A bill to be entitled An act relating to taxes on gasoline and special fuels; creating s. 206.626, Florida Statutes; providing for a refund of taxes paid by district school systems on gasoline used in school buses; requiring the Department of Revenue to adopt rules and prescribe forms for such refunds; amending s. 206.875(2), Florida Statutes; providing for a refund of taxes paid by district school systems on special fuels used in school buses; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Transportation, Ways and Means Subcommittee B, and the Committee on Ways and Means.

By Senator Myers—

SB 604—A bill to be entitled An act relating to taxation; amending s. 198.01(2), Florida Statutes, and adding subsections (12), (13) and (14); providing definitions; creating ss. 198.021, 198.031 and 198.45, Florida Statutes; imposing a tax on generation-skipping transfers where the original transferor is a resident of the state or where the property transferred includes real or personal property in the state; providing for payment of the tax and for interest on delinquent or deficient taxes; amending ss. 198.08, 198.13 and 198.16, Florida Statutes; providing for filing of returns; providing for notice of increase or decrease in federal generation-skipping transfer tax and for collection of any deficiency; providing for rules; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Myers—

SB 605—A bill to be entitled An act relating to estate taxes; amending s. 198.35, Florida Statutes, conforming Florida law to the most recent changes in the United States Internal Revenue Code; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Myers—

SB 606—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03(1)(h) and (2)(c), Florida Statutes, 1978 Supplement, defining the term "Internal Revenue Code" as used in the Florida Income Tax Code; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator Myers—

SB 607—A bill to be entitled An act relating to intangible personal property tax; amending s. 199.023(7), Florida Statutes, to remove language requiring that the parent corporation in an affiliated group be incorporated or have its principal place of business in the state; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Myers—

SB 608—A bill to be entitled An act relating to nonpartisan elections for judicial officers; creating s. 105.085, Florida Statutes, providing for establishment of judicial trust funds consisting of contributions to candidates for circuit and county court judge; providing for approval thereof; providing restrictions and limitations with respect thereto; providing for certain reports; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Myers—

SB 609—A bill to be entitled An act relating to the State Theater of Florida; providing for the purchase of the Coconut Grove Playhouse by the state; requiring the board of trustees of the State Theater of Florida of the Division of Cultural

Affairs of the Department of State to enter into certain agreements prior to purchase; requiring certain reporting; adding s. 241.68(7), Florida Statutes, 1978 Supplement; authorizing the board of trustees of the State Theater of Florida to hold and manage the property; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Ways and Means.

By Senator Gordon—

SB 610—A bill to be entitled An act relating to public lands; amending s. 253.03(2), Florida Statutes, 1978 Supplement, and adding a new subsection (3), and amending ss. 253.45(1), 253.53, 253.62(2), 270.13, 270.22, and 270.23, Florida Statutes; providing that the proceeds of the sale or lease of oil or mineral rights to any lands the title to which is vested in the state or in any state agency shall be deposited in the General Revenue Fund; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Myers—

SB 611—A bill to be entitled An act relating to the Working Capital Fund; amending s. 215.32(2)(c), Florida Statutes; increasing the maximum percent of net revenue of the General Revenue Fund to be transferred to the Working Capital Fund; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By Senator McKnight—

SB 612—A bill to be entitled An act relating to medical malpractice; amending s. 768.51(1)(b), Florida Statutes; providing that the periodic payment method of paying damage awards for future losses exceeding \$200,000 resulting from a malpractice claim against a health provider shall be mandatory in certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators MacKay and Skinner—

SB 613—A bill to be entitled An act relating to the State Board of Education; creating s. 229.095, Florida Statutes; authorizing the State Board of Education to advance funds to the Board of Regents for capital improvements to the Shands Teaching Hospital and Clinics; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Maxwell—

SB 614—A bill to be entitled An act relating to parking for the physically disabled; amending s. 316.1955(6)(b), Florida Statutes; authorizing persons chauffeuring certain disabled persons to park on the public streets or highways, or in any metered parking space without penalty; amending s. 316.1956(1) and (3), Florida Statutes; authorizing certain persons to park in certain parking spaces designated for the exclusive use of physically disabled persons; amending s. 316.1964, Florida Statutes; replacing identification stickers with parking cards to be displayed on the vehicle used in transporting or used by a disabled person; prescribing qualifications for issuance of such cards and certificates; allowing transfer of the parking card from motor vehicle to motor vehicle; prohibiting certain entities from exacting a fee from or imposing a penalty upon certain persons for parking in certain spaces; prohibiting the fraudulent obtaining or unlawful use of a parking card, or the use of a replica thereof with intent to deceive; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; and Economic, Community and Consumer Affairs.

By Senator Maxwell—

SB 615—A bill to be entitled An act relating to education; creating s. 229.595, Florida Statutes, the "Management Training Act of 1979"; providing legislative intent; providing rules for the selection, appointment, and reappointment of principals and other school-based managers and for competencies thereof; authorizing each district school board to submit to the Commissioner of Education a proposed program for the training of such persons; providing for technical assistance; providing for funding; providing for reporting; authorizing salary supplements to principals; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Maxwell—

SB 616—A bill to be entitled An act relating to education; amending s. 236.081(1)(c), Florida Statutes, 1978 Supplement, relating to funds for current operation of schools; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator McClain—

SB 617—A bill to be entitled An act relating to the vacation of plats; amending s. 177.101(4), Florida Statutes; providing for the posting of a bond by persons vacating plats for purposes of the tax collector's certification that certain taxes on the property have been paid; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Steinberg—

SB 618—A bill to be entitled An act relating to juveniles; amending s. 39.01(7), Florida Statutes, 1978 Supplement; redefining "child" for purposes of the Florida Juvenile Justice Act to be an unmarried person under the age of 17 years alleged to be dependent or any person who is charged with a violation of law occurring prior to the time the person reached the age of 17 years; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Judiciary-Criminal.

By Senator Steinberg—

SB 619—A bill to be entitled An act relating to landlord and tenant; creating s. 83.565, Florida Statutes; permitting the surviving spouse of a tenant, or the personal representative of his estate if there be no surviving spouse, to terminate a residential rental agreement upon the death of the tenant; requiring the landlord to return the security deposit less any valid claim upon such termination; providing that all residential rental agreements entered into on or after October 1, 1979, shall be deemed to include the provisions of the act; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

SB 620 was introduced out of order on April 3 and referred to the Committee on Judiciary-Criminal.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

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

HB 642	HB 643	HB 644
HB 645	HB 646	HB 647
HB 648	HB 649	HB 650
HB 651	HB 652	HB 653

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Rules & Calendar—

**HB 642**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 116.161, 238.01(4), 379.03, 394.851(2), 397.12, 402.07(3), 402.181(1), 570.071, 775.13(5)(d), 903.03(2)(a), 917.215(2), 921.161(2), 921.18, 921.20, 921.21, 921.22, 921.231(1),(4), 922.11(2), 941.23(2),(3), 941.57, 944.02(1),(2),(4), 944.023(1), 944.025(1), 944.026(2), 944.05(3), 944.06(3), 944.063(1), 944.064(3), 944.08(1), 944.09(1), 944.091, 944.10(1), 944.11, 944.13, 944.14, 944.15, 944.16, 944.17, 944.18, 944.19(1), 944.23, 944.24(2), 944.25, 944.28(1), 944.293, 944.30, 944.31, 944.32, 944.36, 944.37, 944.38(1), 944.39, 944.43, 944.44, 944.49(1),(3), 944.50, 944.512(3), 944.52, 944.551(1), 944.57, 945.01(2),(3), 945.025(1), 945.031, 945.04, 945.045, 945.061, 945.065(1)-(3), 945.081, 945.09(1), 945.091(1)(a), 945.10, 945.12(1),(2), 945.13(1), 945.14(2), 945.16(2), 945.161, 945.17, 945.19, 945.20, 945.21(1)(g), 945.26(1), 945.27, 947.10, 948.01(2),(6), 949.08, 951.01, 951.02, 951.06(1), 951.07, 951.17, 951.18, 951.23(2), (3), and 951.24(3),(9), Florida Statutes; ss. 20.04(3), (5), 39.09(3)(d), 39.111(6)(c), 39.12(3),(4), 120.54(3), 320.06(8), 322.16(1)(c), 394.459(9)(a), 790.001(8)(d), 843.01, 843.02, 921.16(2), 944.275(1), 944.291(1), 944.47(1)(a), 945.25(1), 945.30, 947.005(2),(3), 947.01(2), 947.13(2), 947.135(2)(a), 947.16(1), 947.175(2), and 959.116(1),(4), Florida Statutes (1978 Supplement); s. 23.152(3)(a), Florida Statutes (1978 Supplement), enacted as s. 3(3)(a), chapter 78-420, Laws of Florida; s. 947.172(4), Florida Statutes (1978 Supplement), enacted as s. 21, chapter 78-417, Laws of Florida; and s. 958.03(1), Florida Statutes (1978 Supplement), enacted as s. 3(1), chapter 78-84, Laws of Florida; replacing references to the "Department of Offender Rehabilitation" with "Department of Corrections" and references to the "Secretary of Offender Rehabilitation" with "Secretary of Corrections" to conform to chapter 78-53, Laws of Florida, which changed the names of the department and its secretary.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 643**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 468.151, 468.152, 478.34(1), 550.011, 550.025, 550.08(1), 550.082(1), 550.083(1), 550.084, 550.181(3), 550.29, 550.291(1), 550.32, 550.37(4),(13), 550.39(1), 550.41(1),(4)-(8), 550.43, 550.45, 551.031, 551.15(1), 562.44, and 719.501(2), Florida Statutes, and ss. 468.160, 550.03, 550.055(2), 550.07, 550.33(2)(a), 551.12, 561.01(2), 561.19(2), 561.29(6), 561.42(4), and 718.501(2)(a), Florida Statutes (1978 Supplement), to conform to the reorganization of the Department of Business Regulation by ch. 78-131, Laws of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 644**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 298.01(1), 298.02(1), 298.07(1),(2),(4), 298.11(5), 298.12(2), 298.13, 298.17, 298.20, 298.23, 298.24, 298.25, 298.27(1), 298.30, 298.32(2), 298.33(1), 298.35, 298.36(3),(4), 298.401(1),(2), 298.41(2), 298.467, 298.52(1), 298.55(1), 298.57, 298.59, 298.62, 298.63, 298.65(1), 298.66, 298.70, 298.71, 298.72, 298.73, 298.76, 298.77(1),(2), and 373.1962(3), Florida Statutes; conforming such sections to chapter 78-153, Laws of Florida, which changed the names of "water-management districts" and "drainage districts" under chapter 298, Florida Statutes, to "water control districts," and otherwise improving their clarity and facilitating their correct and proper interpretation.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 645**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending s. 350.28(1), Florida Statutes (1978 Supplement); removing a penalty provision made obsolete by enactment of chapter 78-88, Laws of Florida, which repealed the authority of the Florida Public Service Commission to regulate railroad safety.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 646**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 13.9982(2)(h), 13.9983(2)(a), 20.18(5)(a), 112.044(2)(d), 222.15(2), 232.07(5), 232.17(2)(f), 409.255(2), 443.11(1)(b), 443.13(1), 446.011, 446.021(2), 446.031(1), 446.075, 447.02(3), 447.04(2)(a), 447.06(1), 447.12, 447.16, 447.205(1),(3),(4), 449.04, 450.271, 450.28(2), 450.41, and 944.551(1), Florida Statutes, ss. 20.17, 20.315(10)(a), 120.57(1)(a), 215.19(1)(b), 230.66(2)(a), 440.02(8), 440.13(3)(b),(c), 440.25(3)(d), 440.44(2),(6), 440.48, 440.59, 443.03(16), 443.07(4)(b)-(e),(5)(b), 443.12(1),(7),(8), 443.15(2)(a), 446.041(1),(2)(a),(c),(3), 446.101(2)(g), 450.061(2), and 553.19(6), Florida Statutes (1978 Supplement), and s. 20.171, Florida Statutes (1978 Supplement), enacted as ss. 2 and 3 of chapter 78-201, Laws of Florida, and reenacting s. 443.16(2)(a),(d), Florida Statutes, and ss. 443.06(6), 443.07(3)(b),(c),(4)(a), 443.12(9),(10), and 443.15(3)(f), Florida Statutes (1978 Supplement); conforming such sections to chapter 78-201, Laws of Florida, which created the Department of Labor and Employment Security, transferred the Divisions of Labor and Employment Security and the Public Employees Relations Commission and the Industrial Relations Commission from the Department of Commerce to the Department of Labor and Employment Security, and renamed the Board of Review as the Unemployment Appeals Commission and transferred it from the Department of Commerce to the Department of Labor and Employment Security; deleting transfer provisions which have had their effect; making a grammatical correction; and incorporating implied amendments resulting from the creation of the Board of Review by chapter 77-399, Laws of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 647**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 14.071(1), 23.122(7), 23.123, 30.31(1), 110.022(3), 114.05(2), 239.58(6), 287.29(6), 287.38, 318.141(1), 406.02(1)(b), 465.131, 494.04(4), 500.46(2),(5), 552.092(2),(3), 775.13(4), 784.07(1)(a), 790.052(1), 790.08(7), 790.164(2)(a),(c), 843.08, 870.04, 893.09(1), 893.14, 901.33, and 934.07, Florida Statutes, and ss. 27.255(2), 39.031(2)(a),(3), 110.051(3), 517.12(6), 843.01, 843.02, and 943.04(2)(a), Florida Statutes (1978 Supplement), and s. 23.152(3)(a), Florida Statutes (1978 Supplement), enacted as s. 3(3)(a) of chapter 78-420, Laws of Florida; replacing references to the "Department of Criminal Law Enforcement" with "Department of Law Enforcement" and references to the "Division of Law Enforcement" with "Division of Criminal Investigation" to conform with the changes in the names of these agencies made by chapter 78-347, Laws of Florida, and otherwise improving clarity.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 648**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 213.05, 310.171, 420.101(4), 420.111, 424.10, 615.18, 618.221, 619.04, 621.05, 621.07, 631.262(4), 656.061(1), 659.05(1), and 659.15, Florida Statutes, and ss. 214.23 and 628.431(2)(e), Florida Statutes (1978 Supplement), to conform them to the repeal of chapter 608, Florida Statutes, relating to corporations, and its replacement by chapter 607, Florida Statutes, the Florida General Corporation Act.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 649**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 125.563(4), 163.3204, 193.621(6),(7), 233.255(4), 240.042(2)(p), 253.02(1), 253.031(4), 253.74(2), 253.76, 258.165(5), 270.22, 270.23, 286.021, 286.031, 298.01(1),(4), 298.02(1), 298.03(1), 298.07(1),(3), 298.09(2), 298.11(3),(4), 298.15, 298.16(2),(3), 298.26, 298.34(1), 316.272(1), 335.17(3), 370.02(3), 370.0211, 371.141(2), 373.012(1),(3), 373.016(3), 373.019, 373.026, 373.029(3), 373.039, 373.129, 373.196(1), 373.203(1), 373.206, 373.209(2),(3), 373.406(4), 373.423(3), 373.439, 373.498, 373.603, 374.75, 374.76, 374.78, 374.79, 374.81, 374.82, 374.83, 374.84, 374.88, 374.93, 376.051(1), 376.10,

377.07, 377.075, 377.10, 377.19(1), 377.24(2), 377.242, 377.243(1), 377.244(1), 403.031(1), 403.085(1),(3), 403.1822(2), 403.1834(4)-(6), 403.1835(3), 403.281(1), 403.414(3), 403.511(1), 403.714(1), and 487.061(1), Florida Statutes, amending ss. 20.18(5)(a), 316.293(3), 370.021(5), 370.151(3)(a), (5), (8)(a), 370.16(2), (3), (4)(b), (6), (7), (9), (12), (15)(a), (17)(a), (19), (21)-(23), (26), (27), (30), (32), (34), 373.033(1), (2)(a), (3), 403.061(23), 403.086(1)(a),(b), 403.182(7),(8), 403.415(3)(i), (5), 403.703(1), 403.813(1)(f), 478.121(4), and 487.031(9)(b), (c), Florida Statutes (1978 Supplement), and repealing s. 253-015, Florida Statutes, to conform to the provisions of ch. 75-22, Laws of Florida, the Florida Environmental Reorganization Act of 1975, by changing nomenclature to reflect certain transfers of powers, duties, and functions made by that act and by deleting provisions impliedly repealed by that act; to conform to the provisions of s. 4, ch. 77-306, Laws of Florida, by changing nomenclature to reflect the transfer of powers, duties, and functions made by that act; to conform to the provisions of s. 1, ch. 75-125, Laws of Florida, by changing nomenclature to reflect a change in name of a water management district made by that act; to revise cross-references to reflect renumbering by the reviser; and to delete obsolete provisions.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 650**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending s. 20.29, Florida Statutes, and ss. 20.19(3)(c), (14)(a), (15) and 20.21(2), Florida Statutes (1978 Supplement), and repealing ss. 20.24(3)-(5), 20.261(4), and 20.28(1)-(3), Florida Statutes, and ss. 20.18(7), (8), (10)-(13), 20.19(16)-(21), (23), 20.21(3)-(8), and 20.23(4)-(14), Florida Statutes (1978 Supplement), to delete transitory provisions relating to governmental reorganization which have expired, have had their effect, or have served their purpose and which no longer need to be included in the Florida Statutes; also deleting a redundant provision and a provision which has been repealed by implication.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 651**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 210.01(9),(10),(16), 210.02(6), 210.04(6), 210.06(4), 210.07(1)(a),(3),(4), 210.08, 210.11, 210.12(1), 210.14(1), 210.18(2),(4)(a),(7), 210.19, 210.20(1),(2), 561.051(1), 561.65(2), 562.12(2), 562.14(1),(2), 562.20(1),(2), 562.24, 562.27(4),(6), 562.34(5), 562.37, 562.38, 562.41(1),(2), (4),(5), 564.03(2)-(4), 564.035, 568.10, 568.14, 616.265(1),(3), 832.06(1), and 849.06(3), Florida Statutes, and ss. 210.05(2), 210.09(2),(4)(b), 561.11(2), 561.29(1), and 562.11(3), Florida Statutes (1978 Supplement), to conform them to ss. 4-7 of ch. 77-421, Laws of Florida, which changed the name of the Division of Beverage to the Division of Alcoholic Beverages and Tobacco, and to otherwise improve clarity.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 652**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 231.02, 232.13, 245.13(2), 252.36(7), 381.411(1), 384.04, 393.13(3)(d),(j),(l),(m),(7), 400-407(1), 413.031(1)(a),(3), 458.22(1)(b), 553.11(1), 893.04(1)(f), 959.022(2)(c),(f), 959.06(2), 959.10, 959.185, 959.21, 959.25, and 959.28, Florida Statutes, to conform them to the reorganization of the Department of Health and Rehabilitative Services effected by chapter 75-48, Laws of Florida; repealing s. 397-031(5), Florida Statutes, relating to administration of drug abuse programs across division lines of authority, and s. 483-041(7), Florida Statutes, relating to the Clinical Laboratory Advisory Council of the Division of Health, to further conform to such reorganization.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Rules & Calendar—

**HB 653**—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing the Massage Practice Act, ss.

480.011, 480.012, 480.013, 480.014, 480.015, 480.016, 480.017, 480.018, 480.019, 480.0195, 480.021, 480.022, 480.023, 480.024, 480.025, 480.026, 480.027, 480.028, and 480.029, Florida Statutes, as created by s. 1, chapter 77-261, Laws of Florida, in order to give effect to the implied repeal of these sections by the enactment of a new Massage Practice Act, chapter 78-436, Laws of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 349 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Gordon and Spaet—

**HB 349**—A bill to be entitled An act relating to the Legislature; amending s. 11.12(1), Florida Statutes, relating to session subsistence of legislative employees; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 654 (accompanied by Volumes I and II, Florida Statutes, 1977), and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Rules & Calendar—

**HB 654**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1979 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1979 shall be effective immediately upon publication; providing that general laws enacted during the 1977 regular and special sessions and prior thereto and not included in the Florida Statutes 1979 are repealed; providing that general laws enacted during the 1977 and 1978 regular and special sessions are not repealed by this adoption act.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Senate recessed at 8:36 a.m.

The Senate was called to order by the President at 9:00 a.m.  
A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by Lt. Col. James Osborne, Divisional Commander, Salvation Army Divisional Headquarters, Jacksonville:

Almighty God, whose kingdom is everlasting and whose power is infinite, in whose will is the destiny of nations and individuals, move among our people today.

Bless all the people of this great state, the young, and the old, rich and poor, the well and the sick, those who lead and those who follow.

Strip us of pride, of greed, of envy, of resentment. Give each, we pray, wisdom to lift the fallen, to strengthen the weak, to marshal the strong, to pursue peace and justice.

We commend to thy care and guidance those who serve in this significant legislative body. Save them from discord and confusion, give them wisdom, strength and courage to face the big issues, tender hearts for all our citizens, and a correct vision that whoever would be the greatest must be the servant of all.

Keep their goals clear, their hearts pure, their spirits brave and their will dedicated to thy service.

Beyond the duties of this day may they behold the splendor of days yet to be when the laws of love rule every heart and thy kingdom comes in truth and power. Through Jesus Christ, our Lord. Amen.

#### STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Membership of the standing committees and subcommittees as revised since the organization session November 21, 1978:

##### AGRICULTURE

Senator Trask, Chairman; Senator Peterson, Vice Chairman; Senators Anderson, D. Childers, Fechtcl, Skinner, Stuart and Tobiassen.

##### COMMERCE

Senator W. D. Childers, Chairman; Senator Winn, Vice Chairman; Senators Anderson, Barron, Hair, Henderson, MacKay, McClain, Peterson, Scott and Ware.

##### CORRECTIONS, PROBATION AND PAROLE

Senator Skinner, Chairman; Senator Chamberlin, Vice Chairman; Senators Fechtcl, Hill, Maxwell and Neal.

##### ECONOMIC, COMMUNITY, AND CONSUMER AFFAIRS

Senator Thomas, Chairman; Senator Myers, Vice Chairman; Senators Frank, Gorman, Grizzle, Jenne, McKnight, Stuart and Williamson.

##### EDUCATION

Senator MacKay, Chairman; Senator Ware, Vice Chairman; Senators Chamberlin, D. Childers, Frank, Maxwell, Peterson, Steinberg, Tobiassen and Winn.

##### EXECUTIVE BUSINESS

Senator Winn, Chairman; Senator Scott, Vice Chairman; Senators Carlucci, Frank and Steinberg.

##### GOVERNMENTAL OPERATIONS

Senator Dunn, Chairman; Senator Hair, Vice Chairman; Senators Gorman, Henderson, Maxwell, Myers, Neal, Scarborough, Thomas and Williamson.

##### HEALTH AND REHABILITATIVE SERVICES

Senator Johnston, Chairman; Senator McKnight, Vice Chairman; Senators Gordon, Grizzle, Hill, Jenne, McClain, Poole and Vogt.

##### JUDICIARY-CIVIL

Senator Hair, Chairman; Senator McClain, Vice Chairman; Senators Dunn, Hill, Jenne and Scott.

##### JUDICIARY-CRIMINAL

Senator Spicola, Chairman; Senator Steinberg, Vice Chairman; Senators Carlucci, Dunn and Poole.

##### NATURAL RESOURCES AND CONSERVATION

Senator Vogt, Chairman; Senator Henderson, Vice Chairman; Senators Anderson, Carlucci, Fechtcl, Grizzle, McKnight, Skinner and Trask.

#### RULES AND CALENDAR

Senator Barron, Chairman; Senator Johnston, Vice Chairman; Senators W. D. Childers, Dunn, Gordon, Henderson, Holloway, MacKay, McClain, Myers, Peterson, Scott, Thomas, Tobiassen, Trask and Ware.

#### TRANSPORTATION

Senator Holloway, Chairman; Senator Thomas, Vice Chairman; Senators Gorman, Neal, Poole, Scarborough, Spicola and Williamson.

#### WAYS AND MEANS

Senator Gordon, Chairman; Senator Johnston, Vice Chairman; Senators Chamberlin, D. Childers, W. D. Childers, Dunn, Gorman, Hair, Holloway, MacKay, Maxwell, McClain, Myers, Peterson, Scarborough, Scott, Skinner, Stuart, Spicola, Thomas, Tobiassen, Trask and Vogt.

*Subcommittee A:* Senator W. D. Childers, Chairman; Senators Holloway, McClain, Scarborough, Scott, Thomas and Trask.

*Subcommittee B:* Senator Peterson, Chairman; Senators D. Childers, Hair, MacKay and Tobiassen.

*Subcommittee C:* Senator Vogt, Chairman; Senators Dunn, Gorman, Johnston, Skinner and Spicola.

*Subcommittee D—Finance, Taxation and Claims:* Senator Myers, Chairman; Senators Dunn, Hair, Holloway, Peterson, Scarborough, Scott, Skinner, Spicola, Tobiassen and Trask.

*Subcommittee E—Personnel, Retirement and Collective Bargaining:* Senator Johnston, Chairman; Senators Chamberlin, Gorman, MacKay, Maxwell and Stuart.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for April 5, 1979.

SB 110	SB 19	SB 71	SB 108
SB 83	SB 62	SB 91	CS for SB 193
SB 16	SB 46	SB 107	
SB 17	SB 61		

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Transportation recommends the following pass: SB 235 with 2 amendments

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 12 with 3 amendments, SB 94

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 314

The Committee on Natural Resources and Conservation recommends the following pass: SB 355

The Committee on Transportation recommends the following pass: SB 372

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Education recommends the following pass: SB 366

The Committee on Governmental Operations recommends the following pass:

SB 21                      SB 127                      SB 152                      SB 294  
SB 34

The Committee on Judiciary-Civil recommends the following pass:

SB 137 with 2 amendments                      SB 304                      SB 305  
SB 138                      SB 303

The Committee on Natural Resources and Conservation recommends the following pass: SB 262, SB 296

The Committee on Transportation recommends the following pass: SB 291, SB 321

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 150

The Committee on Natural Resources and Conservation recommends the following pass: SB 278 with 3 amendments

The bills contained in the foregoing reports were referred to Ways and Means Subcommittee D under the original reference.

The Committee on Education recommends the following pass: SB 197, SB 402

The bills were referred to Ways and Means Subcommittee E under the original reference.

The Committee on Education recommends the following pass:  
SB 272                      SB 338 with 1 amendment                      SB 404

The Committee on Governmental Operations recommends the following pass:

CS for SB 1                      SB 201                      SB 329  
SB 82 with 4 amendments                      SB 256

The Committee on Judiciary-Civil recommends the following pass: SB 266, SB 398

The Committee on Natural Resources and Conservation recommends the following pass:

SB 238                      SB 270                      SB 295 with 1 amendment

The Committee on Transportation recommends the following pass: SB 328

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 620

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 293

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Transportation recommends the following not pass: SB 88

The bill was laid on the table.

The Committee on Economic, Community and Consumer Affairs recommends that the Senate confirm the appointment made by the Governor of Joan Margaret Reidy Heggen, Tallahassee, Secretary of the Department of Community Affairs, to serve at the Pleasure of the Governor.

The Committee on Education recommends that the Senate confirm the appointment made by the Governor of DuBose Ausley, Tallahassee, Member of the Board of Regents, for term ending January 1, 1986.

The appointments contained in the foregoing reports were referred to the Committee on Executive Business under the original reference.

#### BILLS REFERRED TO SUBCOMMITTEE

The following have been referred to a select subcommittee of the Committee on Education, composed of Senators Peterson, Maxwell, and Steinberg, which will report to the full committee within 30 days: SB 187, SB 245, SB 345

Senator Barron, Chairman of the Committee on Rules and Calendar, appointed a select subcommittee composed of Senator Ware, Chairman; Senators Dunn and Scott to review 1979 reviser's bills.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Vogt, by two-thirds vote SB 432 was withdrawn from the subcommittee and committee of reference and indefinitely postponed.

On motions by Senator Gorman, by two-thirds vote SB 394 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Stuart, by two-thirds vote Senate Bills 352 and 542 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Trask, by two-thirds vote SB 307 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Fechtel, by two-thirds vote SB 347 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Don Childers, by two-thirds vote SB 308 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Steinberg, by two-thirds vote SB 133 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Scott, by two-thirds vote SB 588 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator MacKay, the rules were waived and the Committee on Education was granted permission to meet April 12 from 1:00 p.m. until 6:00 p.m. and the meeting scheduled for April 13 was cancelled.

On motion by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to consider HB 349 this day.

On motions by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet jointly with the House Committee on Commerce at 1:30 p.m., April 9, to hear testimony on prevailing wage; and the Senate Committee was granted permission to meet immediately upon adjournment of the joint meeting until 6 p.m. in lieu of 2:00 until 5:00 p.m.

#### SPECIAL ORDER CALENDAR

SB 110—A bill to be entitled An act relating to involuntary hospitalization; amending s. 394.467(1), (5)(b), (6), Florida Statutes, 1978 Supplement; prescribing criteria for the involuntary hospitalization of a person acquitted of criminal charges

by reason of insanity; providing for the continued hospitalization of a person so committed upon a showing that the person continues to meet such criteria; authorizing the conditional release of certain involuntarily hospitalized patients; providing an effective date.

—was read the second time by title.

Senator Spicola moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 25, strike the period after “others” and insert: *, in that there is a likelihood of future misconduct, the type of misconduct can be expected and its frequency is probable.*

On motion by Senator Spicola, by two-thirds vote SB 110 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Maxwell	Stuart
Anderson	Grizzle	McClain	Thomas
Barron	Hair	McKnight	Tobiassen
Carlucci	Henderson	Myers	Trask
Childers, D.	Hill	Neal	Vogt
Childers, W. D.	Holloway	Peterson	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—2

Gordon Scarborough

Votes after roll call:

Yea—Chamberlin, Winn

**SB 83**—A bill to be entitled An act relating to possession of controlled substances; adding s. 893.13(1)(h), Florida Statutes; requiring that persons convicted of possession of more than 100 pounds of cannabis be sentenced to and be required to serve a minimum of 3 years' imprisonment; providing an effective date.

—was read the second time by title.

Senators Spicola, Steinberg and Dunn offered the following amendment which was moved by Senator Spicola:

**Amendment 1**—Strike everything after the enacting clause and insert: Section 1. Section 893.135, Florida Statutes, is created to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences.—

(1) Except as authorized in this chapter or in chapter 500:

(a) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 100 pounds of cannabis is guilty of a felony of the first degree, which felony shall be known as “Trafficking in Cannabis.” If the quantity of cannabis involved:

1. Is in excess of 100 pounds, but less than 2,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of \$25,000.

2. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of \$50,000.

3. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$200,000.

(b) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine or of any mixture containing cocaine, as described in s. 893.03(2)(a), is

guilty of a felony of the first degree, which felony shall be known as “Trafficking in Cocaine.” If the quantity involved:

1. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of \$50,000.

2. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of \$100,000.

3. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$250,000.

(c) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or s. 893.03(2)(a), or 4 grams or more of any mixture containing any such substance, is guilty of a felony of the first degree, which felony shall be known as “Trafficking in Illegal Drugs.” If the quantity involved:

1. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of \$50,000.

2. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of \$100,000.

3. Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of \$500,000.

(2) Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole or statutory gain-time under s. 944.275 prior to serving the mandatory minimum term of imprisonment prescribed by this section.

(3) The state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance.

Section 2. Paragraphs (a) and (b) of subsection (1) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 500, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (2)(a), or (2)(b) is guilty of a felony of the second degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; except that the sale, delivery, or possession of in excess of 100 pounds of cannabis as controlled in s. 893.03(1)(c) shall be constitute a felony of the second degree, punishable as provided in s. 893.135 s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, it is unlawful to sell, deliver, or possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof. *This paragraph, however shall not apply to*

any act proscribed by s. 893.135. Any person who violates this paragraph provision is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083 and s. 775.084.

Section 3. If any provision 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 4. This act shall take effect upon becoming a law.

Senator Thomas moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 3 of Amendment 1, line 21, strike the words “or statutory gain-time under s. 944.275”

Amendment 1 as amended was adopted.

Senator Spicola moved the following title amendment which was adopted:

Amendment 2—Strike everything before the enacting clause and insert: A bill to be entitled An act relating to controlled substances; creating s. 893.135, Florida Statutes; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; providing penalties; prescribing mandatory fines and mandatory minimum terms of imprisonment; providing for reduction or suspension of sentences under certain circumstances; amending s. 893-(1) (a), (b), Florida Statutes; conforming language; providing severability; providing an effective date.

POINT OF ORDER

Senator Gordon raised a point of order pursuant to Rule 4.8 that SB 83 as amended substantially affected appropriations and should be referred to the Committee on Ways and Means for review and recommendation. The President appointed Senators Barron, Johnston and Ware as a committee to examine the bill and advise the chair.

On motion by Senator Barron further consideration of SB 83 was deferred.

SB 16—A bill to be entitled An act relating to the Florida Highway Patrol Station in the City of Lakeland; designating such station as the “Ralph Davis Highway Patrol Station”; requiring the Department of Highway Safety and Motor Vehicles to erect and maintain a marker reflecting such designation; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 16 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Myers	Tobiassen
Barron	Hair	Neal	Trask
Carlucci	Hill	Peterson	Vogt
Chamberlin	Holloway	Poole	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gordon	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Henderson

SB 17—A bill to be entitled An act relating to birth certificates; creating s. 382.215, Florida Statutes; requiring the State Registrar of Vital Statistics to make and file a new birth certificate for certain alien children adopted in the state; providing an effective date.

—was read the second time by title.

Senators Steinberg and Winn offered the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 1, line 14, before the word “children” insert: minor

Amendment 2—On page 1, lines 14, 20, 21, before the word “child” insert: minor

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Chamberlin and adopted:

Amendment 3—On page 1, line 17, strike “any interested party” and insert: the adoptee or adopting parent

On motion by Senator Chamberlin, by two-thirds vote SB 17 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	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hill	Neal	Tobiassen
Chamberlin	Holloway	Peterson	Trask
Childers, D.	Jenne	Poole	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Fechtcl	MacKay	Scott	Williamson
Frank	Maxwell	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Hair

SB 19—A bill to be entitled An act relating to county courts; amending s. 11.246(2)(c), Florida Statutes; providing that sets of Florida Statutes shall be furnished to county courts upon certification of need; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 19 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

SB 62—A bill to be entitled An act relating to train conductors; repealing s. 351.02, Florida Statutes, which provides a penalty for refusal by a train conductor to stop his train when requested by a physician under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 62 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Fechtcl	Maxwell	Spicola	
Frank	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Henderson

SB 46—A bill to be entitled An act relating to corrections; providing for the transfer of convicted offenders under a treaty between the United States and a foreign country upon authorization by the Governor; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendments which were moved by Senator Skinner and adopted:

Amendment 1—On page 1, line 15, after the word "Governor" insert: or his designee

Amendment 2—On page 1, line 18, strike "October 1, 1979" and insert: Upon becoming a law

Amendment 3—On page 1 in title, line 5, after the word "Governor" insert: or his designee

On motion by Senator Skinner, by two-thirds vote SB 46 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—None

Vote after roll call:

Yea—Dunn

SB 61—A bill to be entitled An act relating to licensed medical practitioners; creating ss. 458.23, 459.26, 460.235, 461.23, Florida Statutes; requiring itemized patient billing by physicians, osteopathic physicians, chiropractic physicians, and podiatrists, for professional services rendered; prohibiting the requirement of prior payment by the patient as a condition of the right to an itemized statement; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On line 19 on page 1, and lines 2, 17 and 31 on page 2 after "required" insert: , upon request,

Senator Gordon moved the following amendment which was adopted:

Amendment 2—On page 1, strike on lines 15 and 17 the number "458.23" and insert: 458.26

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 3—On page 1 in title, line 4, after "requiring" insert: , upon request,

On motion by Senator Gordon, by two-thirds vote SB 61 as amended was read the third time by title, passed, ordered en-

grossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

SB 71—A bill to be entitled An act relating to selection of members of the Board of Regents of the State University System; amending s. 240.011(1), Florida Statutes, 1978 Supplement; providing for selection of the student regent; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Frank and adopted:

Amendment 1—On page 1, line 21, after the words "University System" insert: and who shall have been a resident of Florida for at least 5 years prior to appointment in lieu of the 10 years required of other members

On motion by Senator Frank, by two-thirds vote SB 71 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Maxwell	Stuart
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Myers	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtcl	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—2

Neal Skinner

SB 91—A bill to be entitled An act relating to livestock marketing; repealing s. 534.49(1), Florida Statutes, relating to collection and deposit for sale of livestock; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 91 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Fechtcl	Maxwell	Spicola	
Frank	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Holloway

SB 107—A bill to be entitled An act relating to title insurance; creating s. 627.7841, Florida Statutes; requiring title insurers to insure against adverse matters or defects in the title upon real property between the effective date of the binder or commitment and the time of recording of the documents creating the estate to be insured; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 107 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtcl	MacKay	Skinner	
Frank	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Spicola

SB 108—A bill to be entitled An act relating to title insurance; adding s. 627.786(3), Florida Statutes; authorizing a title insurer to assume liability for certain acts of its contract agents, approved attorneys, or members of a business trust title insurer in connection with real property transactions for which a title insurance policy or guarantee of title by such title insurer is to be issued; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 108 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

By the Committee on Judiciary-Criminal and Senators Don Childers, Maxwell and Trask—

CS for SB 193—A bill to be entitled An act relating to personnel of the school system; amending s. 231.06, Florida Statutes; providing penalties for assault or battery upon instructional personnel of the school system; providing an effective date.

—was read the first time by title and SB 193 was laid on the table.

On motions by Senator Spicola, by two-thirds vote CS for SB 193 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—37

Mr. President	Childers, W. D.	Grizzle	MacKay
Anderson	Dunn	Hair	Maxwell
Barron	Fechtcl	Henderson	McClain
Carlucci	Frank	Holloway	McKnight
Chamberlin	Gordon	Jenne	Myers
Childers, D.	Gorman	Johnston	Neal

Peterson	Steinberg	Trask	Williamson
Scarborough	Stuart	Vogt	Winn
Skinner	Thomas	Ware	
Spicola	Tobiassen		

Nays—None

On motion by Senator Barron, the Senate recessed at 10:02 a.m., awaiting the call of the President.

The Senate was called to order by the President at 10:22 a.m. A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

On motion by Senator Thomas, the following representatives of the Florida Beekeepers' Association were escorted into the chamber and presented to the Senate: Former Representative Billy Joe Rish, Port St. Joe; 1979 Florida Honey Queen, Miss Lorna J. Biondi, Jacksonville; 1979 Tupelo Honey Queen, Miss Robin Kyle, Smith Creek Community (Wakulla County); and 1978 Tupelo Honey Queen and First Runner-up for Florida Honey Queen in 1979, Miss Kelli Gowan, Telogia (Liberty County).

On motion by Senator Thomas, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senator Thomas—

SR 623—A resolution honoring Miss Lorna J. Biondi, the Florida Honey Queen.

—was read the first time by title. On motion by Senator Thomas SR 623 was read the second time in full and adopted.

The vote was:

Yeas—39

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—None

By permission Senators Anderson, Barron, Carlucci, Chamberlin, Don Childers, W. D. Childers, Dunn, Fechtcl, Frank, Gordon, Gorman, Grizzle, Hair, Henderson, Hill, Holloway, Jenne, Johnston, Lewis, MacKay, Maxwell, McClain, McKnight, Myers, Neal, Peterson, Poole, Scarborough, Scott, Skinner, Spicola, Steinberg, Stuart, Tobiassen, Trask, Vogt, Ware, Williamson and Winn were recorded as co-introducers of SR 623.

SPECIAL ORDER, continued

The Senate resumed—

SB 83—A bill to be entitled An act relating to possession of controlled substances; adding s. 893.13(1)(h), Florida Statutes; requiring that persons convicted of possession of more than 100 pounds of cannabis be sentenced to and be required to serve a minimum of 3 years' imprisonment; providing an effective date.

**Ruling on Point of Order**

Senator Barron, reporting for the committee on the point of order previously raised by Senator Gordon, advised the President as follows:

"Mr. President, our two most recently published precedents on this point contradict each other, but are not in total conflict because of one factor, 'determinability'.

Both precedents were issued when I was President in 1975. The first ruling was on SB 55 which provided minimum sentences for conviction of certain felonies involving the use of a firearm or destructive device.

Senator Scarborough raised a point of order that this bill had substantial fiscal impact and should be removed from the calendar and referred to the Committee on Ways and Means. The Chair ruled that because the fiscal impact was prospective and indeterminable, the point was not well taken.

Later, in the same session, SB 192 provided changing eligibility requirements for parole. Senator Myers raised a point of order that this bill should be referred to the Committee on Ways and Means because of its fiscal impact. He then proceeded to quote fiscal data based on the number of people already incarcerated, the number of additional person days imprisonment this bill would require, and the cost per day. In that manner, he calculated the cost of the bill would be in excess of two million dollars.

The Chair therefore ruled there was a determinable fiscal impact, Senator Myers' point well taken, and the bill was referred to Ways and Means.

Based on these two precedents, your committee recommends you rule 'the point not well taken' on the amendment to SB 83 because of the prospective and indeterminable nature of the fiscal impact.

In the precedent on SB 55, the ruling was based on the speculative nature of how many people would be arrested and incarcerated under the new act. The same question exists in this bill—how many people will be arrested and how many will turn state's evidence. This is the factor which is prospective and indeterminable."

Based on the recommendation of the committee, the President ruled the point of order not well taken.

Senator Gordon moved the following amendment, to the bill as amended, which failed:

**Amendment 3**—On page 5, line 10, insert: There is hereby appropriated the sum of \$2,250,000 to increase the number of positions in the Department of Criminal Law Enforcement by 150 to carry out the intention of this Act.

Senator Myers moved the following amendments to the bill as amended, which failed:

**Amendment 4**—On page 3, strike lines 17-23 and renumber subsequent subsection.

**Amendment 5**—On page 3, strike lines 20-23 and insert: not be suspended, deferred, or withheld.

On motion by Senator Spicola, by two-thirds vote SB 83 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—38**

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

**Nays—2**

Gordon                      Myers

On motion by Senator Spicola, the rules were waived and SB 83 after being engrossed was ordered immediately certified to the House.

**CO-INTRODUCERS**

Senator Henderson—SB 408; Senator Frank—SB 159; Senator Carlucci—Senate Bills 365 and 552; Senator Scarborough—SB 567; Senator Tobiassen—SB 26; Senator Trask—SB 552; Senator Winn—SB 487; Senator Steinberg—SB 364; Senators Hill and Maxwell—SB 487; Senator Trask—SB 505; Senator Gorman—Senate Bills 582 and 592.

Senator Gordon moved that SCR 2 be withdrawn from further consideration of the Senate.

Senator Barron moved as a substitute motion that the Senate do now adjourn. The substitute motion was adopted.

The Journal of April 3 was corrected and approved.

The Senate adjourned at 11:41 a.m. to convene at 8:30 a.m., April 9, 1979, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.