

# JOURNAL OF THE FLORIDA SENATE

Monday, May 10, 1971

The Senate was called to order by the President 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.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas* May 7, 1971  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has adopted SCR 334, SCR 523, SCR 892.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

The resolutions, contained in the above message were ordered enrolled.

*The Honorable Jerry Thomas* May 6, 1971  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed, as amended, by the required Constitutional three-fourths vote of the membership, HB 1257.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

*The Honorable Jerry Thomas* May 7, 1971  
*President of the Senate*

Sir:

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

By Representative J. R. Clark—

HB 1327—A bill to be entitled An act relating to public education, finance and taxation; amending section 236.37, Florida Statutes, removing the provision for school trustees; providing an effective date.

By Representative J. R. Clark—

HB 1330—A bill to be entitled An act relating to public education; amending subsection (7) of section 228.041, Florida Statutes, broadening the definition of a school center; providing an effective date.

By Representative J. R. Clark—

HB 1409—A bill to be entitled An act relating to public education; repealing subsection (10) of section 228.041; amending section 228.07; repealing subsection (4) of section 230.03; amending subsections 230.23(10)(i), 230.33(9)(a), 230.33(12)(g), 230.33(13)(b), 230.33(18) and (19), 230.34(7), 232.22(4), 234.01 and 234.20, all Florida Statutes; removing provisions for school trustees; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

House Bills 1327, 1330 and 1409 contained in the above message, were read the first time by title and referred to the Committee on Public Schools.

*The Honorable Jerry Thomas* May 7, 1971  
*President of the Senate*

Sir:

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

By Representative Redman—

HB 506—A bill to be entitled An act relating to the Uniform Principal and Income Law; specifying methods of valuing bonds and other obligations for the payment of money comprising any part of the principal and designating the impact of loss or gain realized thereon; amending section 690.07, Florida Statutes; defining the increment in value of discount bonds to be income and providing for the distribution thereof; and providing an effective date.

By Representative Redman—

HB 507—A bill to be entitled An act relating to deposits and accounts in banks in the names of two or more persons; amending chapter 659, Florida Statutes, by adding section 659.291; establishing a presumption of vesting upon death of one, and specifying evidence necessary to overcome such presumption; providing for vesting in survivors or survivor upon death of any one, in absence of requisite proof to overcome presumption; and providing an effective date.

By Representative Redman—

HB 508—A bill to be entitled An act relating to garnishment and writs of garnishment; amending section 77.06, Florida Statutes, providing procedures for banks and other financial institutions authorized to accept deposits with respect to deposits and property where the deposit or ownership records of the institution reflect an ownership interest by any defendant named in the writ, whether solely or with another or others not named in the writ; providing for notice to other owners; providing procedures in cases of doubt by garnishee as to whether any indebtedness or property is required to be included in answer or retained; providing for garnishment in fiduciary or representative capacities; and providing an effective date.

By the Committee on Agriculture & Citrus and Representative Jones—

HB 1243—A bill to be entitled An act relating to citrus; amending §601.28, Florida Statutes, relating to inspection fees on citrus fruits and processed citrus products; providing an appropriation; creating §601.281, Florida Statutes, relating to road guard fees, to modify the procedure for the disposition of said fees; providing an appropriation; repealing §601.30, Florida Statutes, relating to inspection fees; amending §601.59(3), Florida Statutes, providing an appropriation; creating §601.671, Florida Statutes, relating to the appropriation of fines collected; adding a new subsection to §601.03, Florida Statutes, defining the department of agriculture and consumer services; directing the statutory revision service to make appropriate changes in terminology; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 506, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

House Bills 507 and 508, contained in the above message, were read the first time by title and referred to the Committee on Commerce.

HB 1243, contained in the above message, was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By Representative D'Alemberte and others—

HB 120—A bill to be entitled An act relating to wrongful death action; amending chapter 768, Florida Statutes, by adding sections 768.16, 768.17, 768.18, 768.19, 768.20, 768.21, 768.22, 768.23, 768.24, 768.25, 768.26, and 768.27; providing for a right of action on behalf of the survivors and the estate by the personal representative of a decedent whose death is caused by the wrongful act, negligence, default, or breach of contract or warranty of any person; repealing sections 768.01, 768.02, and 768.03, Florida Statutes; providing an effective date.

By Representative Zinkil—

HB 232—A bill to be entitled An act relating to jurors and jury lists; amending sections 40.06 and 40.11, Florida Statutes, relating to transcription, preservation and certification of jury lists by permitting use of electronic data processing equipment; amending section 40.23, Florida Statutes, relating to summoning of petit jurors, by providing that such summoning be done by the jury commissioner in counties using data processing equipment; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

House Bills 120 and 232, contained in the above message, were read the first time by title and referred to the Committee on Judiciary—Civil A.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By Representative Martinez—

HB 927—A bill to be entitled An act relating to candidates, campaign expenses and contesting elections; amending §99.161, Florida Statutes; placing limit on individual contributions to a candidate for municipal office; providing requirement that a defeated candidate shall file a final report pursuant to the provisions of this section after last primary election in which he participated; providing an effective date.

By Representative J. R. Clark—

HB 908—A bill to be entitled An act relating to public schools; amending section 232.25, Florida Statutes; relating to pupils subject to control of school, to delete provisions providing for control while students are en route to school except by school bus, or control at time student is presumably attending school; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

HB 927, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

HB 908, contained in the above message, was read the first time by title and referred to the Committee on Public Schools.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By Representative Hodes—

HB 500—A bill to be entitled An act relating to appropriation releases; amending §216.192, Florida Statutes, to authorize the director of planning and budgeting to revise, alter or change releases of funds to state agencies only upon submission of written justification to the agency head and the chairmen of the legislative appropriations committees; providing an effective date.

By the Committee on Criminal Justice—

HB 996—A bill to be entitled An act relating to rates of per diem and subsistence allowance; amending Subsection 112.061(6), by adding new paragraph (f) to provide for computation of rates allowed law enforcement officers executing an extradition warrant; providing effective date.

By Representative Reeves—

HB 1052—A bill to be entitled An act relating to snack bars, cafeterias and vending machines located in state buildings; providing that the division of building construction and maintenance of the department of general services shall have the powers, duties and functions to establish regulations to be followed by vendors and operators in state buildings, to allocate and lease space and to charge fees to vendors and operators, to establish a bureau of food management service, and to establish a "food management trust fund" to be comprised of lease and vending fees and other funds; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

House Bills 500 and 996, contained in the above message, were read the first time by title and referred to the Committee on Ways and Means.

HB 1052, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By Representative Renick and others—

HB 1—A bill to be entitled An act relating to consumer protection; making it unlawful for any retail food dealer to sell certain meats unless packaged in transparent containers; providing for enforcement by the Department of Agriculture and Consumer Services; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
*ALLEN MORRIS*  
*Clerk, House of Representatives*

HB 1, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By Representative Dixon—

HB 1068—A bill to be entitled An act relating to the department of natural resources; providing for the establishment of trust fund accounts within the erosion control account; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 1068, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By Representative Zinkil—

HB 642—A bill to be entitled An act relating to municipal utility services; amending §159.17, Florida Statutes, relating to liens for service charges on lands served by such services constructed through the issuance of revenue bonds, to limit the lien of a municipality for utility services to such services which are rendered to the owner of the property upon which a lien is claimed, or rendered upon the written request of such owner; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 642, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required two-thirds vote of all Members elected to the House—

By Representative Powell—

HB 471—A bill to be entitled An act for the relief of H. E. Sisson; providing an appropriation for damages resulting to property owned by H. E. Sisson caused by the construction of a highway by the department of transportation; providing an effective date.

By Representative Rish—

HB 790—A bill to be entitled An act for the relief of Mr. Lamar Taunton; providing an appropriation to compensate him for the loss of his truck and trailer through the careless opera-

tion of the guard rails at the White City bridge in Gulf County; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

House Bills 471 and 790, contained in the above message, were read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By the Committee on Insurance—

CS for HB 525—A bill to be entitled An act relating to insurance; amending chapter 624, Florida Statutes, by adding new section 624.02271 to provide that no disability insurer shall issue a policy of disability insurance unless the application is taken by and the policy delivered through a licensed agent, requiring such insurer to maintain a licensed agent at all times; providing that this section shall not apply to contracts on nonresidents when such policy is applied for outside of and delivered in this state; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

CS for HB 525, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By Representatives MacKay and Ogden—

HB 192—A bill to be entitled An act relating to ad valorem taxes; amending section 193.122(1), Florida Statutes, providing certification of tax rolls; repealing section 194.033, Florida Statutes, providing review of assessment by arbitration; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 192, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By the Committee on Criminal Justice—

CS for HB's 31 & 140 and CS for SB 23—A bill to be entitled An act relating to operation of aircraft while intoxicated; amending section 860.13, Florida Statutes, to prohibit the operation of aircraft while under the influence of alcoholic beverages

and certain drugs; providing penalties; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

CS for HB's 31 & 140 and CS for SB 23, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required two-thirds vote of all members elected to the House—

By Representative Miers—

HB 293—A bill to be entitled An act for relief of Joseph Michael Brown providing an appropriation to compensate him for damages sustained as a result of the negligence of Department of Transportation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 293, contained in the above message, was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By Representatives Spicola and Martinez—

HB 328—A bill to be entitled An act relating to alcoholic beverages; prohibiting the carrying of weapons where spirituous liquors are sold, served or consumed; providing for notice on the premises; providing penalties; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 328, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By Representative Reed—

HB 94—A bill to be entitled An act relating to the seizure and forfeiture of certain property; instituting the uniform contraband transportation act; amending section 207.27(1), Florida Statutes; repealing subsection (2) of section 202.27, sections 207.28, 207.29, subsections (2) and (3) of section 398.24, sections 404.09, 562.39, 562.40, 562.401, 562.402, 562.403, 562.404, 562.405, 562.406, 562.407, subsections (2), (3), and (4) of section 849.37, and sections 849.38, 849.39, 849.40, 849.41,

849.42, 849.43, 849.44, and 849.45, Florida Statutes; providing an effective date.

By the Committee on Agriculture & Citrus—

CS for HB 1289—A bill to be entitled An act relating to workmen's compensation, amending §440.02(1)(c), Florida Statutes, providing for the coverage of agricultural labor, with numerical exclusions, and turpentine labor, labor in processing gum-spirits-of-turpentine, crude gum, oleorosin and gum rosin; providing a definition with respect thereto; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 94, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

CS for HB 1289, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By Representative Glisson—

HB 611—A bill to be entitled An act relating to the trusteeship of Seminole Indian lands; adding a new section to designate the board of trustees of the internal improvement trust fund as trustee for all Seminole Indian lands; amending paragraph (c) of subsection (5) of section 20.22, Florida Statutes, and repealing section 285.02, Florida Statutes, to remove said trusteeship from the department of general services; amending subsection (1) of section 285.061, subsection (3) of section 285.08 and section 285.14, Florida Statutes, to reflect said change in trusteeship; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 611, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By Representatives Sessums and Danahy—

HB 1008—A bill to be entitled An act relating to factory built housing; providing for the duties and powers of the department of community affairs; providing for the inspection and approval of factory built housing; providing penalties; providing injunctive relief; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 1008, contained in the above message, was read the first time by title and referred to the Committees on Commerce and Governmental Efficiency.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By the Committee on Criminal Justice—

CS for HB 244—A bill to be entitled An act relating to the theft of motor vehicles, aircraft, boats or boat motors; amending chapter 814, Florida Statutes, to include within the "Florida auto theft statute" the theft of aircraft, boats or boat motors; giving definitions; redefining and establishing the crimes of aircraft theft, boat theft and boat motor theft and the theft of parts or components of aircraft, boats and boat motors; redefining and establishing unauthorized use of aircraft or boat; redefining and establishing the crime of possession of a stolen aircraft, boat or boat motor or knowingly occupying a stolen aircraft or boat; providing the penalties therefor; establishes prima facie evidence of intent to deprive the owner of his property in the theft of an aircraft, boat or boat motor; amends subsection 811.21(1), Florida Statutes, to exclude aircraft or boats therefrom; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

*The Honorable Jerry Thomas*  
*President of the Senate*

May 7, 1971

Sir:

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

By the Committee on Criminal Justice—

CS for HB 963—A bill to be entitled An act relating to the Florida corrections code; amending section 944.02(5), Florida Statutes, redefining the term prisoner; providing an effective date.

By the Committee on Agriculture & Citrus and Representative Jones—

HB 800—A bill to be entitled An act relating to citrus; amending section 601.06, Florida Statutes, to correct an ambiguity; providing that the Florida Citrus Commission members shall receive twenty-five dollars (\$25.00) per day in addition to per diem and reimbursement of expenses; and providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

CS for HB 244 and CS for HB 963, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary—Criminal.

HB 800, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Jerry Thomas*  
*President of the Senate*

May 6, 1971

Sir:

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

By the Committee on Transportation and Representatives Chapman and Gustafson—

CS for HB 119—A bill to be entitled An act relating to the regulation of traffic; creating chapter 316, Florida Statutes, to

be known as the "Florida uniform traffic control law"; regulating the movement of all vehicular, all pedestrian and all other traffic upon the streets and highways and elsewhere throughout the state where the public might have a right to travel; providing definitions; providing for the respective powers of state and local authorities in the control of traffic upon the streets and highways; establishing the enforcement of jurisdictions of traffic laws; establishing the rules of the road to be applicable throughout the state; establishing a standard of equipment of vehicles throughout the state; prescribing penalties for violation; providing for the adoption of this act by all municipalities within the state on or before January 1, 1972; repealing chapters 186, Florida Statutes, the model traffic ordinance for municipalities, and 317, Florida Statutes, relating to the regulation of traffic on the highways, each of which are replaced by or incorporated into the provisions of the chapter created by this act; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

CS for HB 119, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

The Senate recessed at 8:37 a.m.

The Senate was called to order by the President at 10:00 A.M. A quorum present—43:

Mr. President	Deeb	Karl	Reuter
Arnold	de la Parte	Knopke	Saunders
Barron	Ducker	Lane	Saylor
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxton	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (34th)	Poston	

Excused: Senator Johnson (29th) for the morning session; Senator Trask for the afternoon session; Senators Bishop, Scarborough and Brannen.

Prayer by the Rev. W. Shuford Davis, associate pastor, First Baptist Church, Tallahassee.

Holy Father,  
We begin another day grateful for the mystery of life. We are thankful that you have created men, not in isolation, but in community; from this corporateness has evolved government of, for and by the people. Keep us from serving special interest over the common good. Keep us from the idolatry of omniscience, because our ignorance often belies our arrogance. Help us to comprehend that we are instruments in your hands. Teach us the difficult lesson of being our brother's brother not simply his keeper. Let your dynamic Spirit pervade the deliberations of this day. For it is in His name that we pray. Amen.

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

The Journal of May 7 was corrected and approved as follows:

Page 273, column 1, strike line 18 and insert: SB 1380—A bill to be entitled An act relating to counties and

Page 280, column 1, line 1, before "funds" insert: providing for public hearings; providing for expenditure of county

Page 286, column 1, line 20, strike "1553" and insert: 1533

The Journal of May 6 was further corrected and approved as follows:

Page 261, counting from the bottom of column 2, line 5, strike "providing an appropriation;"

Page 280, column 1, line 1, before "funds" insert: providing for public hearings; providing for expenditure of county

**REPORTS OF COMMITTEES**

The Committee on Commerce recommends the following pass: SB 1001 with 1 amendment, HB 766

The Committee on Agriculture recommends the following pass: SB 1129, SB 1130, SB 1162 with 2 amendments

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

The Committee on Agriculture recommends the following pass: CS for HB 690

The bill was referred to the Committee on Judiciary—Criminal under the original reference.

The Committee on Transportation recommends a Committee Substitute for the following: SB 40

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following not pass: CS for SB 1056, CS for SB 1057

The bills were laid on the table.

**ENGROSSING REPORTS**

Your Engrossing Clerk to whom was referred—

SB 81 with 1 amendment      SB 684 with 2 amendments  
SB 267 with 4 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

**ELMER O. FRIDAY**  
Secretary of the Senate

The bills were certified to the House.

On motion unanimously adopted, the Committee on Rules, Calendar, Privileged Business and Ethics recommends that Senate Bills 1543, 1544 and 1545 be considered of emergency nature permitting consideration by the Senate.

Respectfully submitted,  
George L. Hollahan, Jr., Chairman

On motion by Senator Hollahan, by two-thirds vote, SB 1543 which was referred to the Committees on Agriculture and Ways and Means, and Senate Bills 1544 and 1545 which were referred to the Committee on Agriculture, were ordered delivered to the committees of reference.

The Committee on Rules, Calendar, Privileged Business and Ethics referred the following local bills to the Local Calendar: Senate Bills 635, 697, 720, 871, 990, 991, 992, 1026, 1027, 1028, 1029, 1051, 1052, 1053, 1134, 1135, 1136, 1137, 1138, 1140, 1141, 1142, 1143, 1144, 1145, 1368, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531; and House Bills 1388, 1341, 1383, 1376, 1375, 1374, 1373, 1335, 1334, 1308, 1333, 1398, 1429, 1430, 1445, 1446, 1483, 1500, 1503, 1505, 1518, 1524, 1620, 1621, 1626, 1627, 1390, 1000, 1002, 1003, 1004, 1005, 1143, 1226, 1227, 1249, 1250, 1262, 1643 and 1093.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Daniel, by two-thirds vote, HB 772 was withdrawn from the Committees on Commerce and Governmental Efficiency and referred to the Committee on Governmental Efficiency.

On motion by Senator Daniel, by two-thirds vote, HB 772 was also referred to the Committee on Commerce.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was granted permission to consider HB 117 and HB 627 at the scheduled meeting this day.

On motion by Senator Hollahan, the Committee on Rules, Calendar, Privileged Business and Ethics was granted an additional 15 days for the consideration of Senate Bills 945, 957, SJR 678 and HCR 1471.

On motion by Senator Lane, by two-thirds vote, SB 310 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and from further consideration of the Senate.

On motion by Senator Arnold, the Committee on Personnel, Retirement and Claims was granted an additional 15 days for the consideration of Senate Bills 691, 692, 693, 694, 695, 785, 757, 786, 944, 949, 993, 994, 995, 996, 997, 1021, 1042, 773 and HB 1150.

On motion by Senator Myers, unanimous consent was obtained to take up out of order—

CS for HB 377—A bill to be entitled An act relating to physicians; creating §458.135, Florida Statutes, to provide for a physician's assistant program; providing definitions; providing an advisory council; providing for regulations and for development and review of curricula; providing for the establishment of standards by board of medical examiners; providing a ratio of assistants to physicians; providing for an annual report by the board to the legislature; providing a schedule of fees and a penalty; providing an effective date.

Which was read the second time by title.

On motion by Senator Myers the following amendment was adopted:

On pages 2—8, line 5, strike everything after enacting clause and insert the following: Section 1. Chapter 458, Florida Statutes, is amended by adding a new section to read:

458. Physician's Assistants.—

(1) Legislative intent.—In its concern with the growing shortage and geographic maldistribution of health care services in Florida, the legislature intends to establish in this section a framework for development of a new category of health manpower—the physician's assistant.

The purpose of this section is to encourage the more effective utilization of the skills of physicians by enabling them to delegate health care tasks to qualified physician's assistants where such delegation is consistent with the patient's health and welfare.

In order that maximum skills may be obtained within a minimum time period of education, the physician's assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

This section is established to encourage the utilization of physician's assistants by physicians and to allow for innovative development of programs for the education of physician's assistants.

(2) Definitions.—As used in this section:

(a) "Board" means the Board of Medical Examiners of the state of Florida.

(b) "Approved program" means a program for the education of physician's assistants which has been formally approved by the board.

(c) "Trainee" means a person who is currently enrolled in an approved program.

(d) "Physician's assistant" means a person who is a graduate of an approved program or its equivalent and is approved by the board to perform medical services under the supervision of a physician or group of physicians approved by the board to supervise such assistant.

(3) Notwithstanding any other provision of law, a physician's assistant may perform medical services when such services are rendered under the supervision of a licensed physician or group of physicians approved by the board, in the specialty area or areas for which the physician's assistant is trained or experienced.

(4) Notwithstanding any other provision of law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(5)(a) The board shall issue certificates of approval for programs for the education and training of physician's assistants which meet board standards. Such educational programs shall include provision for continuing educational requirements established by the board for the physician's assistants. Any basic program curricula approved by the board shall cover a period of no more than two years.

(b) In developing criteria for program approval the board shall give consideration to, and encourage, the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.

(c) The board shall create groups of specialty classifications of training for physician's assistants. These classifications will reflect the training and experience of the physician's assistant. The physician's assistant may receive training in one or more such classifications which shall be shown on the certificate issued.

(d) The board shall adopt and publish standards to insure that such programs operate in a manner which does not endanger the health and welfare of the patients who receive services within the scope of the program. The board shall review the quality of the curriculum, faculty, and facilities of such programs, issue certificates of approval, and take whatever other action is necessary to determine that the purposes of this section are being met.

(6) The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise physician's assistants. Each application made by a physician or physicians shall include all of the following:

(a) The qualifications, including related experience of the physician's assistant intended to be employed.

(b) The professional background and specialty of the physician or physicians.

(c) A description by the physician of his, or physicians of their, practice, and the way in which the assistant or assistants are to be utilized.

The board shall approve an application by a licensed physician or physicians to supervise a physician's assistant where the board is satisfied that the proposed assistant is a graduate of an approved program or its equivalent, is fully qualified by reason of experience and education to perform medical services under the responsible supervision of a licensed physician, and the public will be adequately protected by the arrangement proposed in the application.

(d) The Board shall certify no more than one (1) physician's assistant for any physician practicing alone; two (2) physician's assistants for two (2) physicians practicing together; a ratio of two (2) physician's assistants to three (3) physicians in any group.

(7) Any person other than one who has been approved by the board who holds himself out as a "physician's assistant", or who uses any other term indicating or implying that he is a physician's assistant, is guilty of a misdemeanor.

(8) The board shall report to the legislature no later than March 15, 1973, as to:

(a) The number and types of programs which have been approved and a description of each.

(b) The number of physician's assistants who have been approved for supervision under this section.

(c) An evaluation of the programs and the acceptance of them by the community.

(d) Background concerning the numbers of physicians supervising assistants, their specialties, and the counties in which they practice.

(e) The scope of practice of approved physician's assistants.

(f) Such other information as would be useful to the legislature in evaluating the physician's assistant program for either expanding or discontinuing the program.

(9) The board may revoke the certificate of approval to supervise a physician's assistant held by any physician when, in its judgement, the intent of this act is not being carried out.

(10) The board shall adopt rules and regulations necessary for the administration of the physician's assistant program, and such rules and regulations shall be adopted in accordance with the administrative procedure act, chapter 120, Florida Statutes. The board shall adopt such rules and regulations as are necessary to insure both the continued competency of physician's assistants and the proper utilization of them by physicians or groups of physicians. Rules and regulations shall be adopted to assure that every physician's assistant performs his services under the responsible supervision and control of a physician or group of physicians.

(11) In developing criteria for program approval and approval of applications to utilize physician's assistants and in preparing its report to the legislature, the board shall consult with and seek the advice of professional medical organizations and specialty societies. The report shall contain the doctor-patient ratio as related to the several counties and the counties such physician's assistants are being utilized.

(12) (a) A fee of ten dollars (\$10) shall be charged for each application to the board by a physician or physicians to supervise physician's assistants.

(b) A fee of twenty-five dollars (\$25) shall be charged for each approval granted by the board. Approval shall be limited to one year.

(c) The board shall renew approval upon application for such renewal, and a fee of twenty-five dollars (\$25) shall be paid for such renewal.

(d) A fee of fifty dollars (\$50) shall be charged to each applicant seeking program approval by the board.

(e) A fee of five hundred dollars (\$500) shall be charged to each approved program located in Florida.

(13) Nothing in this act shall be construed to eliminate or supercede existing laws relating to other paramedical professions or services. It is the intent of this act to supplement and be in addition to all such existing programs relating to the certification and practice of paramedical professions, as may be authorized by law.

(14) All physicians or physician groups utilizing physician's assistants shall be liable for any acts or omissions of physician's assistants while acting under their supervision and control.

Section 2. Effective date.—This act shall take effect July 1, 1971.

On motion by Senator Myers the following amendment was adopted:

On page 1, strike title and insert: A bill to be entitled An act relating to the public health; amending the medical practice act, chapter 458, Florida Statutes, by adding a new section to provide a framework for the development of a new category of health manpower—the physician's assistant; establishing legislative findings and statement of purposes; providing definitions; providing for performance of certain medical services by physician's assistants or trainees in approved programs under certain circumstances; providing for issuance of certificates of approval for physician's assistant training programs and setting forth guidelines for determining such approval; providing a procedure for applications by physicians to supervise physician's assistants; providing for a report to the legislature by the board of medical examiners; establishing certain application and renewal fees for supervisory physicians and for training programs; providing for adoption of rules and regulations by the board; providing an effective date.

On motion by Senator Myers, by two-thirds vote, CS for HB 377 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—27 Nays—None

Mr. President	de la Parte	Johnson (34th)	Reuter
Arnold	Ducker	Karl	Stolzenburg
Barron	Fincher	Lewis (33rd)	Ware
Barrow	Graham	Myers	Weber
Beaufort	Gunter	Ott	Williams
Brantley	Henderson	Plante	Wilson
Broxson	Hollahan	Poston	

By unanimous consent Senator Boyd was recorded as voting yea.

**RESOLUTIONS**

HCR 1348—A concurrent resolution recommending to the United States Department of Health, Education, and Welfare that Manatee and Hardee Counties, Florida, be placed in the proposed Southwestern Florida Intrastate Air Quality Control Region rather than in the West Central Florida Intrastate Air Quality Control Region.

WHEREAS, a consultation has heretofore been held between state and local authorities and the appropriate representatives of the United States Department of Health, Education, and Welfare, said consultation being held pursuant to the provisions of Section 107(a)(2) of the Clean Air Act, as amended; and,

WHEREAS, a consultation has heretofore been held between Air and Water Pollution Control recommended that Manatee and Hardee Counties be placed in the proposed West Central Florida Intrastate Air Quality Control Region, said region to consist of Levy, Citrus, Sumter, Hernando, Pasco, Pinellas, Hillsborough, Polk, Manatee, and Hardee Counties; and,

WHEREAS, on the other hand, Manatee and Hardee Counties are in a situation as far as air quality control much more similar and compatible to those counties included in the proposed Southwest Florida Intrastate Air Quality Control Region, consisting of Sarasota, Highlands, DeSoto, Charlotte, Glades, Lee, Hendry, and Collier Counties; and,

WHEREAS, the contention of Manatee and Hardee Counties that they are far more similar to those counties to the south is based upon similar recreational, agricultural, tourist, and industrial development present in these counties, overlapping political representation, similar population densities and potentialities for growth, cooperative comprehensive health planning with the counties to the south and similar background and interests with those of the other counties in the proposed southwestern region; and,

WHEREAS, it is essential that Sarasota, Manatee and Hardee Counties be placed in the same air quality control region for the reasons that the three counties are similarly situated and have similar problems and for the additional reason that the three counties are already committed to cooperative efforts to preserve air quality; and,

WHEREAS, several of the counties included in the proposed West Central Florida Intrastate Air Quality Control Region currently have air qualities far below those found in Manatee and Hardee Counties; and,

WHEREAS, it is earnestly believed that the result of placing Manatee and Hardee Counties with their currently effective pollution control programs, in a control region with counties having substantially lower air qualities would inevitably be the lowering of the standards for air quality in Manatee and Hardee Counties and the weakening of the air pollution control program now in effect in Manatee and Hardee Counties, heretofore approved by the Florida Department of Air and Water Pollution Control, NOW, THEREFORE,

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

That the United States Department of Health, Education, and Welfare be requested to place Manatee and Hardee Counties, Florida, in the proposed Southwestern Florida Intrastate Air Quality Control Region, rather than in the proposed West Central Florida Intrastate Air Quality Control Region.

Be It Further Resolved that copies of this resolution signed by the appropriate officers of the House of Representatives and of the Senate of the State of Florida be dispatched to the Secretary of Health, Education, and Welfare and to the Commissioner of the National Air Pollution Control Administration.

Was read the second time in full. On motion by Senator Hollahan, HCR 1348 was adopted and certified to the House. The vote was: Yeas—30 Nays—None

Mr. President	Ducker	Karl	Saunders
Arnold	Fincher	Lane	Stolzenburg
Barron	Graham	Lewis (33rd)	Ware
Beaufort	Gunter	Myers	Weber
Boyd	Henderson	Ott	Williams
Brantley	Hollahan	Plante	Wilson
Broxson	Horne	Poston	
de la Parte	Johnson (34th)	Reuter	

**RECONSIDERATION**

The motion by Senator Wilson on May 7, 1971, that the Senate reconsider the vote by which SJR 160 failed to pass was taken up, and the Senate refused to reconsider.

**UNFINISHED BUSINESS**

SB 625—A bill to be entitled An act relating to limitation of actions; amending section 95.11 (6), Florida Statutes, to provide that actions to recover damages for injuries to the person arising out of any medical, dental or surgical treatment or operation must be brought within two (2) years; providing an effective date.

Was taken up, together with the pending amendment by Senator de la Parte and the pending amendment to the amendment by Senator Childers. The amendments were withdrawn.

On motion by Senator Karl the following amendment was adopted:

On page 1, line 28, strike the period and insert: ; the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the cause of action.

On motion by Senator Wilson the following amendment was adopted:

In Section 2, line 29, page 1, strike "Section 2. This act shall take effect immediately upon becoming a law." and insert: Section 2. This act shall take effect July 1, 1972.

Senator Gong was recorded present.

On motion by Senator Horne, by two-thirds vote, SB 625 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—28

Mr. President	Beaufort	Brantley	Daniel
Arnold	Bell	Broxson	Deeb
Barron	Boyd	Childers	Ducker

Fincher	Knopke	Plante	Trask
Gunter	Lane	Poston	Ware
Hollahan	Lewis (33rd)	Saunders	Williams
Horne	Ott	Stolzenburg	Wilson

## AFTERNOON SESSION

The Senate was called to order by the President at 2:30 p.m. A quorum present—44:

Nays—6

de la Parte	Johnson (34th)	Lewis (43rd)
Graham	Karl	Myers

By unanimous consent Senators Gong, Reuter and McClain were recorded as voting yea.

On motion by Senator de la Parte, the rules were waived and the staff of the Committee on Ways and Means was granted the privileges of the floor.

Senator Lewis (33rd) presiding.

## SPECIAL AND CONTINUING ORDER

SB 1344—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1971, and ending June 30, 1972, to pay salaries, other expenses, capital outlay—buildings and improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Was read the second time by title.

Senator de la Parte offered the following amendment which was adopted on motion by Senator Barrow:

On page 34, section 1, in the footnote following item 339, following the word "Section," insert: 24

Senator de la Parte offered the following amendment which was adopted on motion by Senator Hollahan:

On page 77, line 4, section 1, strike "1970-71" and insert: 1971-72

Senator de la Parte offered the following amendment which was adopted on motion by Senator Hollahan:

On page 77, line 15, section 1, strike "1970-71" and insert: 1971-72

Senator de la Parte offered the following amendment which was adopted on motion by Senator Hollahan:

On page 89a, line 16, section 14(b)(2), after the word "home" insert: or intermediate facility

Senator Barron presiding.

On motion by Senator de la Parte the following amendment was adopted:

On page 91, line 7, section 18, strike "14" and insert: 17

On motion by Senator de la Parte the following amendment was adopted:

On page 92, line 12, section 19(c)(2), strike "has been" and insert: is

On motion by Senator Hollahan, the hour of reconvening for the afternoon session was set at 2:30 p.m.

On motion by Senator Hollahan, the rules were waived and the Committee on Transportation was granted permission to meet this day at 7:00 p.m.

The hour of recess having arrived, a point of order was called and the Senate adjourned at 1:00 p.m. to reconvene at 2:30 p.m.

Mr. President	Deeb	Johnson (29th)	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Karl	Reuter
Barrow	Fincher	Knopke	Saunders
Beaufort	Gong	Lane	Saylor
Bell	Graham	Lewis (33rd)	Stolzenburg
Boyd	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	McClain	Weber
Broxson	Henderson	Myers	Weissenborn
Childers	Hollahan	Ott	Williams
Daniel	Horne	Plante	Wilson

On motion by Senator Hollahan, the President appointed Senator Lane to escort Mrs. Gordon T. Butler and her daughter, Susan, into the chamber.

On motion by Senator Hollahan, by two-thirds vote, SCR 897 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar.

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas*  
*President of the Senate*

May 10, 1971

Sir:

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

By Representative C. Matthews and others—

HCR 1320—A concurrent resolution expressing the gratitude of both houses to Gordon Timmons Butler for devoted public service to state and municipal governments of Florida.

WHEREAS, Gordon Timmons Butler first served as a member of the Board of Directors and President of the Florida League of Municipalities and later as Executive Secretary for 19 years, and

WHEREAS, Gordon Timmons Butler represented the interests of Florida cities in the Florida legislature for more than 20 years, and

WHEREAS, Gordon Timmons Butler was instrumental in calling to the attention of the legislature the many needs of Florida cities, which has resulted in the passage of much beneficial legislation, and

WHEREAS, Gordon Timmons Butler, long an advocate of "Local Self Government," was instrumental in the passage of home rule legislation and local charter amending authority, and

WHEREAS, the Florida League of Municipalities grew and prospered under his guidance, and

WHEREAS, October 12, 1963, was designated "Gordon Butler Day" in Dade County and more than 500 city, county and state officials attended a testimonial dinner in his benefit on that day, and

WHEREAS, Gordon Timmons Butler was widely known throughout the state and nation, not only for his municipal work but also for his substantial contribution to many civic and youth organizations, and

WHEREAS, Gordon Timmons Butler served as City Commissioner and for seven consecutive terms as Mayor of Fernandina Beach, and

WHEREAS, Gordon Timmons Butler served as a member of the executive committee of the American Municipal Association, and

WHEREAS, Gordon Timmons Butler served as Governor of the Florida District of Kiwanis International in 1946 after long and illustrious service as a Kiwanian, and

WHEREAS, Gordon Timmons Butler served with distinction as Urban Liaison Aide to the Honorable Richard Stone, Secretary of State of Florida, in 1971, and

WHEREAS, Gordon Timmons Butler departed this life on March 9, 1971, at the age of 66, NOW, THEREFORE,

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

That the Florida Legislature does hereby recognize and salute the many years of beneficial public service provided by Gordon Timmons Butler, and expresses appreciation on behalf of all Florida citizens for his services which have provided substantial benefits to the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to his wife, Grace Arnow Butler, expressing our deep regret at the passing of this esteemed Floridian.

BE IT FURTHER RESOLVED that the contents of this resolution be spread upon the Journal of both houses of this Legislature in order that all the citizens of Florida shall know of his outstanding public service to our state.

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

HCR 1320, contained in the above message, was read the first time in full and placed on the Calendar.

SCR 897 was taken up, and on motion by Senator Hollahan, HCR 1320, a companion measure, was substituted therefor. On motion by Senator Hollahan, by two-thirds vote HCR 1320 was read the second time by title, adopted and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Deeb	Johnson (29th)	Poston
Arnold	de la Parte	Johnson (34th)	Reuter
Barrow	Ducker	Karl	Saunders
Beaufort	Fincher	Knopke	Sayler
Bell	Graham	Lane	Ware
Boyd	Gunter	Lewis (33rd)	Williams
Brantley	Haverfield	Lewis (43rd)	Wilson
Broxson	Henderson	McClain	
Childers	Hollahan	Myers	
Daniel	Horne	Pope	

SCR 897 was laid on the table.

On motion by Senator Poston the following remarks by Senators Hollahan and Pope were spread upon the Journal:

Senator Hollahan: Mr. President, Senators, this resolution expresses on behalf of the House and Senate of Florida the sincere gratitude of both bodies and all of the people, I believe, in Government to a man who served as an advisor to the Legislature for more than 20 years. Gordon Butler served mostly during that time as the advisor to the League of Municipalities, now known as the League of Cities. I don't really have enough words or am I eloquent enough to express really what he meant to all of us, but, I do know several singular traits that Gordon Butler possessed, not the least of which was the fact that he was a gentleman. I have never known him in all the fifteen years that I served when he was with us in the Legislature when he wasn't the epitome of the American gentleman as we know it. He advised me well, he advised me honestly and he was just one of those fellows that felt that truth was important and in dealing with his fellow men that's the way he did the job in truth and in honesty. I don't think there are many better things you can say about an individual human being than that. In addition he was friendly, he always had a smile and he carried himself erect and with purpose. He was knowledgeable but more than that he never treated anybody with less than the dignity that shone from within him. The light that surrounded him, I think, made his and my relationship and, I am sure, many of yours just a perfect one. So I hope that the

Senate, all of it, will join with me in sponsoring this resolution when it comes time to vote on its approval.

Senator Pope: Mr. President, and members of the Senate, I concur in every fine remark made by the Senator from the 44th. Gordon Butler was a man we all loved and we all appreciated. I think I, perhaps more than many other members of this body, have every reason to be deeply moved on this occasion and certainly to have been deeply obligated to Gordon for the very fine friendship that we had and for the many fine things that he did in my behalf. When reapportionment placed me in a new district and one of his counties was in that district, the very first phone call that I received offering me help and assistance came from Gordon Butler. It was something that I needed very much and it was of tremendous benefit to me. Of course, it was one of those things that you always appreciate from the bottom of your heart. I feel that the state as a whole and many members of this legislature have indeed lost a very dear friend and that he will not soon be forgotten.

Senator Weissenborn presiding.

The Senate resumed consideration of—

SB 1344—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1971, and ending June 30, 1972, to pay salaries, other expenses, capital outlay—buildings and improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Was resumed.

On motion by Senator Daniel the following amendment was adopted:

On page 2, strike Item 8 in its entirety

Senator Graham moved the adoption of the following amendment which failed:

On pages 7 and 8, items 73, 75, 76, section 1, Air and Water Pollution Control, Department of strike 73., page 7 strike 75., and 76., page 8

and insert the following:

73. Salaries, Retirement and S.S. matching of 169 positions	
From General Revenue Fund	1,314,477
From Grants and Donations Trust Fund	305,476
75. Expenses	
From General Revenue Fund	314,068
From Grants and Donations Trust Fund	225,410
76. Operating Capital Outlay	
From General Revenue Fund	60,235
From Grants and Donations Trust Fund	70,414

The President presiding.

Senator Deeb moved the adoption of the following amendment:

On pages 17 and 18, strike item 190 through item 201, inclusive and insert:

Commissioner and State Board Staff

190. Salaries, Retirement and S.S. Matching of 134 Positions	
From General Revenue Fund	656,842
From County Capital Outlay and Debt Service School Trust Fund - Administrative	19,735
From Institutions of Higher Education Bond Program Capital Outlay and Debt Service Trust Fund - Administrative	19,504
From Educational Aids Trust Fund	248,528
From Manpower Development Training Trust Fund	10,243

191. Other Personal Services		201. Operating Capital Outlay	
<i>From General Revenue Fund</i>	11,942	<i>From General Revenue Fund</i>	520,884
<i>From County Capital Outlay and</i>		<i>From Education Certification Trust Fund</i>	4,972
<i>Debt Service Trust Fund - Administrative</i>	16,400	<i>From County Capital Outlay and Debt Service</i>	
<i>From Institutions of Higher Education Bond</i>		<i>Administrative Trust Fund</i>	6,575
<i>Program Capital Outlay and Debt Service</i>		<i>From Educational Aids Trust Fund</i>	1,045,730
<i>Trust Fund - Administrative</i>	15,000	<i>From Professional Practices Council Trust Fund</i>	2,205
<i>From Educational Aids Trust Fund</i>	39,866	<i>From Grants and Donations Trust Fund</i>	593
		<i>From Student Financial Aid Trust Fund</i>	855
192. Expenses			
<i>From General Revenue Fund</i>	360,273		
<i>From County Capital Outlay and Debt</i>			
<i>Service School Trust Fund - Administrative</i>	35,891		
<i>From Institutions of Higher Education Bond</i>			
<i>Program Capital Outlay and Debt Service</i>	19,013		
<i>From Educational Aids Trust Fund</i>	420,274		
<i>From Manpower Development Training</i>			
<i>Trust Fund</i>	1,341		
193. Operating Capital Outlay			
<i>From General Revenue Fund</i>	9,577		
<i>From County Capital Outlay and Debt</i>			
<i>Service School Trust Fund - Administrative</i>	255		
<i>From Institutions of Higher Education Bond</i>			
<i>Program Capital Outlay and Debt Service</i>			
<i>Trust Fund - Administrative</i>	1,800		
<i>From Educational Aids Trust Fund</i>	1,017		
194. Debt Service			
<i>From Institutions of Higher Education</i>			
<i>Capital Outlay and Debt Service Trust</i>			
<i>Fund - Bond Account</i>	16,190,205		
195. Pensions			
<i>From General Revenue Fund</i>	34,200		
196. Delete			
197. Delete			
<i>Elementary and Secondary Education, Division of</i>			
198. Salaries, Retirement and S.S. Matching			
of 344 Positions			
<i>From General Revenue Fund</i>	1,302,945		
<i>From Education Certification Trust Fund</i>	112,655		
<i>From Student Financial Aid Trust Fund</i>	40,173		
<i>From County Capital Outlay and Debt Service</i>			
<i>Administrative Trust Fund</i>	386,811		
<i>From Educational Aids Trust Fund</i>	1,188,142		
<i>From Professional Practices Council</i>			
<i>Trust Fund</i>	66,384		
<i>From Grants and Donations Trust Fund</i>	13,486		
<i>From Speech Pathology and Audiology Trust</i>			
<i>Fund</i>	2,137		
<i>From Food and Nutrition Services Trust Fund</i>	39,754		
199. Other Personal Services			
<i>From General Revenue Fund</i>	56,591		
<i>From Education Certification Trust Fund</i>	12,785		
<i>From County Capital Outlay and Debt Service</i>			
<i>Administrative Trust Fund</i>	5,618		
<i>From Educational Aids Trust Fund</i>	108,505		
<i>From Professional Practices Council Trust</i>			
<i>Fund</i>	16,825		
<i>From Grants and Donations Trust Fund</i>	15,299		
<i>From Speech Pathology and Audiology Trust</i>			
<i>Fund</i>	4,000		
<i>From Food and Nutrition Services Trust Fund</i>	9,000		
<i>From Student Financial Aid Trust Fund</i>	4,984		
200. Expenses			
<i>From General Revenue Fund</i>	688,331		
<i>From Education Certification Trust Fund</i>	138,669		
<i>From Student Financial Aid Trust Fund</i>	18,753		
<i>From County Capital Outlay and Debt Services</i>			
<i>Administrative Trust Fund</i>	165,880		
<i>From Educational Aids Trust Fund</i>	2,102,504		
<i>From Professional Practices Council Trust</i>			
<i>Fund</i>	44,980		
<i>From Grants and Donations Trust Fund</i>	10,320		
<i>From Speech Pathology and Audiology Trust</i>			
<i>Fund</i>	4,754		
<i>From Food and Nutrition Services Trust Fund</i>	36,098		

The amendment failed by the following vote:

Yeas—11

Bell	Henderson	Reuter	Weber
Deeb	Johnson (34th)	Stolzenburg	Wilson
Ducker	McClain	Ware	

Nays—26

Mr. President	de la Parte	Johnson (29th)	Pope
Arnold	Gong	Knopke	Poston
Beaufort	Graham	Lane	Saunders
Boyd	Gunter	Lewis (33rd)	Weissenborn
Brantley	Haverfield	Lewis (43rd)	Williams
Childers	Hollahan	Myers	
Daniel	Horne	Plante	

On motion by Senator Graham the following amendment was adopted:

On page 20, lines 1-3, item 202, strike "None of the funds provided in item 202 may be used for the purposes of implementing sections 228.041, 223.069, and 236.04."

Senator McClain moved the adoption of the following amendment which failed:

On page 21, item 214, section 1, strike "72,534,550" and insert: 82,643,565

On motion by Senator Graham the following amendment was adopted:

On page 20, footnote after Item 209, strike "None of the funds provided in item 208 may be used for the purposes of implementing sections 228.041, 233.069, and 236.04, F.S."

On motion by Senator Graham the following amendment was adopted:

On page 23, line 32, following Item 224, strike the entire footnote and insert: The moneys and positions appropriated in items 221-224 provide for an increased enrollment, as recommended by the Governor, at an average increase of 8% in the productivity at each level of instruction of the classroom teaching faculty. It is the intent of the legislature that such enrollments not be limited except at the lower division and at the beginning and advanced Graduate levels of instruction. A detailed report of the total faculty effort at each university shall be reported to the Board of Regents.

Senator Haverfield moved the adoption of the following amendment:

On page 33, insert the following between Item 314 and Item 315: No money appropriated under items 215 through 314 of this act shall be expended for other than public purposes.

In the event doubt exists as to whether a proposed expenditure constitutes a public purpose, the chancellor of the university system or the president of any university may obtain from the general counsel of the board of education a written opinion as to the propriety of such proposed expenditure and such opinion shall be binding until overturned by a court of competent jurisdiction.

Any person affected by such opinion or any taxpayer may file in the circuit court in Leon county, Florida a suit for declaratory judgment naming the general counsel of the board of education as defendant. In such suit the circuit court shall deter-

mine and declare whether the opinion of the general counsel should be sustained or overruled in whole or in part.

On motion by Senator Weissenborn the following amendment to the amendment was adopted:

In 5th line of second paragraph after "expenditure" strike all remaining language in amendment and insert a period.

Senator Hollahan moved that time of adjournment be extended until conclusion of the amendment under consideration and the moving of the amendment next in order, which would be left pending. The motion was adopted.

On motion by Senator Daniel the following amendment to the amendment was adopted:

Strike all after the first paragraph of the amendment.

The amendment as amended was adopted.

Senator Deeb moved the adoption of the following amendment:

On page 39, Item 399, section 1, strike "399(a)"

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 8:30 a.m., May 11, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., May 11, 1971.

**LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE  
MAY 3, 1971 THROUGH MAY 7, 1971**

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Particular Legislation Involved</i>	<i>- Direct Business Association or Partnership with Legislator</i>
Allsop, W. Gaylen 1700 Mishawaka Ave. South Bend, Ind. 46624	Associates Corporate Services Co., Inc. Same address	All legislation affecting financial institutions, banking & insurance	None
Bailey, William W. 423 City Nat'l Bank Bldg. Miami 33130	Miccosukee Tribe of Indians of Florida P. O. Box 44021 Tamiami Sta. Miami 33144	Bills relating to Indians	None
Bolles, George C. 401 City Nat'l Bank Bldg. Miami 33130	Dade School Board 1410 N.E. 2nd Ave. Miami 33131	Education matters	None
Broderick, Joseph Stephen County Courthouse Room 411 Jacksonville 32202	Civil Service Board Same address	Collective bargaining—civil service	None
Burgess, Wallace H. 908 S. Bronough St. Tallahassee 32304	Bureau Comprehensive Health Planning Same address	Health & health related legislation	None
Davis, Helen Gordon 45 Adalia Ave. Tampa 33606	League of Women Voters of Fla. 609 S. Blvd. Tallahassee	All	None
DeMarco, Alexander J. 1101 Brickell Ave. Miami 33101	Family Finance Mngt. Corp. Same address	General	None
Endsley, E. D. P. O. Box 2050 Jacksonville 32203	Fla. Div. of Family Services Same address	That affecting Division of Family Services	None
Ferrara, Ruth R. P. O. Drawer 7425 Jacksonville 32210	Fla. Fed. of Fairs & Livestock Shows Same address	General	None
Fokes, W. Robert 800 Tallahassee Bank Bldg. Tallahassee 32301	Fla. Cable Television Assn. c/o Cypress Cable TV Ft. Walton Beach	Legislation affecting Cable TV Industry	None
Fokes, W. Robert 800 Tallahassee Bank Bldg. Tallahassee 32301	MGIC Investment Corp. Marine Plaza Milwaukee, Wis.	Mortgage guaranty insurance	None
Friedman, Frank X., Jr. Fla. Title Bldg. Jacksonville 32202	Gulf Life Ins. Co. P. O. Box 1050 Jacksonville 32201	General	None
Fulford, Thomas R. 4507 99th St., W. Bradenton 33507	Organized Fishermen of Fla. Same address	Commercial fishing	None
Gatlin, B. Kenneth P. O. Box 669 Tallahassee 32302	Fla. Land Assn. Same address	Land Bills	None
Jacobs, Arthur Ivan Room 221, Courthouse Jacksonville 32202	State Attorney, 4th Judicial Circuit Same as above	Criminal law	None

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE  
MAY 3, 1971 THROUGH MAY 7, 1971 (Continued)

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Jarvis, Otis D. 1454 N. W. 17 Ave. Miami 33125	Public employees 3025 S. W. 80 Ave. Miami 33155	Public employees -	None
Johnson, W. Carey P. O. Box 156 Boca Grande 33921	Fla. State Pilots Assn. Same address	Pilotage	None
Jones, Marvin P. O. Box 322 Bradley 33835	Labor phosphate I.C.W.U. Local 34 Mulberry	Labor	None
Kane, Robert B. 604 Midyette-Moor Bldg. Tallahassee 32304	Power's Service, Inc. 202 S. State St. Chicago, Ill.	General & business regulation	None
Lewis, Harold D. 640 Tallahassee Bank Bldg. Tallahassee 32301	The Fronton, Inc. 218 Datura St. West Palm Beach	General	None
Lockhart, Charles Albert 4150 N.W. 7 Ave. Miami 33127	Property Managers Assn. of Dade County Same address	Real property and landlord-tenant legislation	None
McClain, Mitchell O. 256 Sapelo Rd. Jacksonville 32216	Jacksonville Public Employees Local 1048 137 E. Forsyth Jacksonville 32202	Bills affecting public employees	None
Miller, Wilton R. 700 Tallahassee Bank Bldg. Tallahassee 32301	Fruit & Vegetable Div. of Coca Cola Houston, Texas	Agriculture in general	None
Tietjen, Ann L. 1478 Fairmont St. Clearwater 33515	Nat'l Campers & Hikers Assn. 8681 E. Dixie Hwy. Miami 33138	Camping & state parks	None
Tietjen, Edward H. 715 N. Saturn Ave. Clearwater 33515	Dept. of Fla. Disabled American Veterans Same address	Veterans legislation	None
Tietjen, Edward H. 715 N. Saturn Ave. Clearwater 33515	Nat'l Campers & Hikers Assn. 8681 E. Dixie Hwy. Miami 33138	Camping & state parks	None