

1988

## Session Law 88-243

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

---

### Recommended Citation

House of Representatives, Florida Senate &, "Session Law 88-243" (1988). *Staff Analysis*. 783.  
<https://ir.law.fsu.edu/staff-analysis/783>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact [efarrell@law.fsu.edu](mailto:efarrell@law.fsu.edu).

125,0104

88-273/6

S 10-1

NOT IN J1; OR CS

Came in w/ SA 10-3 6/1/58 (ch 120)  
to H. A. 3

H 163-

S 370

W 88-119 scanned w/ SA

S 1309

NOT IN J1; OR CS

See A. 1 5/26/58

# FLORIDA LEGISLATURE—REGULAR SESSION—1988

## HISTORY OF SENATE BILLS

- S 846 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Dudley (Identical CS/H 1048)**  
**Profession/Anonymous Complaints;** amends provision re disciplinary proceedings; provides conditions for investigation of anonymous complaints of alleged violations. Amends 456.225. Effective Date: 10/01/88.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 109
- 04/29/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
05/12/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/18/88, 2:00 pm, Room-H  
05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
05/16/88 SENATE Comm. Report: CS by Economic, Community and Consumer Affairs, placed on Calendar -SJ 311  
05/18/88 SENATE CS read first time -SJ 312  
06/02/88 SENATE Placed on Consent Calendar -SJ 715; Idem./Sim. House Bill substituted; Laid on Table under Rule, Idem./Sim./Compare Bill passed, refer to CS/HB 1048 (Ch. 68-279) -SJ 788
- S 847 GENERAL BILL by Dudley (Similar CS/ENG/H 572, Compare CS/ENG/S 84)**  
**Elections/Press Access to Polls;** (THIS BILL COMBINED IN CS/S 84, 83,657,721,847,1029,1182) authorizes certain members of press access to polling rooms under certain circumstances & with certain restrictions. Amends 101.121. Effective Date: 01/01/89.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Judiciary-Civil -SJ 109  
04/29/88 SENATE Extension of time granted Committee Judiciary-Civil; On Committee agenda—Judiciary-Civil, 05/04/88, 9:00 am, Room-B—Motion to reconsider  
05/05/88 SENATE On Committee agenda—Judiciary-Civil, 05/09/88, 2:00 pm, Room-B  
05/09/88 SENATE CS combines this bill and 34, 83, 657, 721, 1029 & 1182; Comm. Report: CS by Judiciary-Civil -SJ 273  
05/12/88 SENATE Original bill laid on Table under Rule, refer to combined CS/ SB 84 (Vetoed by Governor-07/01/88) -SJ 273
- S 848 GENERAL BILL/CS by Commerce; Dudley (Similar CS/H 565)**  
**Sale of Business Opportunities Act;** redefines term "business opportunity" for purposes of such act; requires person receiving advertising re business opportunities to record advertisement identification number. Amends 558.801,605. Effective Date: 10/01/88.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Commerce -SJ 109  
04/25/88 SENATE On Committee agenda—Commerce, 04/27/88, 9:00 am, Room-A  
04/27/88 SENATE Comm. Report: CS by Commerce, placed on Calendar -SJ 212  
05/03/88 SENATE CS read first time -SJ 218  
06/07/88 SENATE Died on Calendar
- S 849 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Deratany; Dudley (Identical CS/H 457, Similar H 447, Compare S 1351)**  
**Local Occupational License Taxes;** (THIS BILL COMBINES SB 849,1351) extends to all counties authority to levy additional occupational license tax for implementation of comprehensive economic development strategy. Amends 206.038. Effective Date: 07/01/88 or upon becoming law, whichever occurs later.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs; Finance, Taxation and Claims -SJ 109  
04/29/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
05/03/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/05/88, 12:00 noon, Room-H  
05/05/88 SENATE CS combines this bill and 1351; Comm. Report: CS by Economic, Community and Consumer Affairs -SJ 246  
06/06/88 SENATE CS read first time -SJ 248; Now in Finance, Taxation and Claims -SJ 248; On Committee agenda—Finance, Taxation and Claims, 05/10/88, 3:00 pm, Room-1C  
05/10/88 SENATE Comm. Report: Favorable by Finance, Taxation and Claims, placed on Calendar -SJ 273  
05/18/88 SENATE Placed on Consent Calendar -SJ 310; Read second time; Removed from Consent Calendar -SJ 342  
05/28/88 SENATE Placed on Special Order Calendar -SJ 426; CS passed; YEAS 31 NAYS 2 -SJ 436; Immediately certified -SJ 438  
05/28/88 HOUSE In Messages  
05/30/88 HOUSE Received, placed on Calendar -HJ 847  
05/31/88 HOUSE Placed on Special Order Calendar  
06/01/88 HOUSE Retained on Regular Calendar  
06/07/88 HOUSE Read second time; Read third time; CS failed to pass; YEAS 43 NAYS 69 -HJ 1648
- S 850 GENERAL BILL by Deratany (Identical H 671)**  
**Mosquito Control/Definitions;** expands definitions of "arthropod" & "integrated
- S 850 (CONTINUED)**  
arthropod control"; provides definition of "unreasonable adverse effects on agricultural production or environment". Amends 388.011. Effective Date: Upon becoming law.  
04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Agriculture -SJ 109  
04/19/88 SENATE Withdrawn from Agriculture; Indefinitely postponed -SJ 134
- S 851 GENERAL BILL by Deratany (Identical H 1087)**  
**Dead Bodies/AIDS Identification;** requires H.R.S. Dept. to provide, by rule, procedure for identification & handling of persons who have died of AIDS or AIDS Related Complex or other communicable diseases; provides required elements of such rules; provides that certain persons shall be held harmless for failure to properly tag a body governed by act. Amends 381.031. Effective Date: 10/01/88.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Health and Rehabilitative Services -SJ 109  
04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services; On Committee agenda—Health and Rehabilitative Services, 05/03/88, 2:00 pm, Room-A—Temporarily postponed  
05/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services  
05/27/88 SENATE Extension of time granted Committee Health and Rehabilitative Services  
06/07/88 SENATE Died in Committee on Health and Rehabilitative Services
- S 852 GENERAL BILL by Deratany (Identical H 806)**  
**Consumer Reporting Agencies;** requires consumer reporting agencies to report certain information re investigations to party being investigated; provides penalty. Amends 817.648. Effective Date: 10/01/88.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 109  
04/29/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
05/12/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/18/88, 2:00 pm, Room-H—Temporarily postponed  
05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
05/27/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
06/07/88 SENATE Died in Committee on Economic, Community and Consumer Affairs
- S 853 GENERAL BILL by D.C. Childers (Compare CS/H 801)**  
**Malt Beverage Vendor/Zoning;** removes provision that specifies that such vendors holding off-premise sales licenses are not subject to zoning by local authorities. Amends 563.02. Effective Date: 10/01/88.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Commerce; Economic, Community and Consumer Affairs -SJ 109  
04/29/88 SENATE Extension of time granted Committee Commerce  
05/13/88 SENATE Extension of time granted Committee Commerce  
05/27/88 SENATE Extension of time granted Committee Commerce  
06/07/88 SENATE Died in Committee on Commerce
- S 854 GENERAL BILL/CS/ENG by Finance, Taxation and Claims; Cranahaw (Compare ENG/H 1682, CS/ENG/S 870, CS/S 1309)**  
**Taxation;** provides for relief from motor fuel & other fuel taxes in certain circumstances; provides for calculation of use tax on asphalt manufactured for a person's own use; exempts certain foods or drinks sold by nonprofit or charitable organizations; exempts certain nonprofit corporations broadcasting religious TV programs; authorizes certain counties to levy additional 2% tourist development tax on certain transient rentals, etc. Amends F.S. Effective Date: 07/05/88.
- 04/06/88 SENATE Filed  
04/18/88 SENATE Introduced, referred to Finance, Taxation and Claims -SJ 109; On Committee agenda—Finance, Taxation and Claims, 04/21/88, 9:00 am, Room-1C  
04/20/88 SENATE Comm. Report: CS by Finance, Taxation and Claims, placed on Calendar -SJ 166  
04/28/88 SENATE CS read first time -SJ 179  
04/28/88 SENATE Placed on Special Order Calendar -SJ 193  
05/03/88 SENATE Placed on Special Order Calendar -SJ 211; CS passed as amended; YEAS 40 NAYS 0 -SJ 226  
05/05/88 HOUSE In Messages  
05/09/88 HOUSE Received, referred to Finance & Taxation; Appropriations -HJ 367  
05/13/88 HOUSE On Committee agenda—Finance & Taxation, 05/17/88, 1:15 pm, 21 HOB  
05/17/88 HOUSE Preliminary Committee Action by Finance & Taxation: Favorable with 4 amendments  
05/23/88 HOUSE Comm. Report: Favorable with 4 amendment(s) by Finance & Taxation -HJ 633; Now in Appropriations -HJ 633

(CONTINUED ON NEXT PAGE)

HISTORY OF SENATE BILLS

**S 854 (CONTINUED)**  
 05/26/88 HOUSE On Committee agenda—Appropriations, 05/26/88, 3:00 pm, Morris Hall—Not considered  
 05/27/88 HOUSE On Committee agenda—Appropriations, 05/30/88, 8:00 am, Morris Hall  
 05/30/88 HOUSE Preliminary Committee Action by Appropriations: Favorable with 1 amendment; Comm. Report: Favorable with 1 amendment(s) by Appropriations, placed on Calendar—HJ 906  
 05/31/88 HOUSE Placed on Special Order Calendar; Read second time—HJ 1001; Amendments adopted; Amendment pending—HJ 1002  
 06/03/88 HOUSE Pending amendment withdrawn—HJ 1451; Read third time; CS passed as amended; YEAS 116 NAYS 0—HJ 1451  
 06/03/88 SENATE In Messages  
 06/07/88 SENATE Was taken up—SJ 1127; Amendments to House amendments adopted—SJ 1128; Concurred in House amendments as amended; Requested House to concur; CS passed as amended; YEAS 29 NAYS 0—SJ 1130  
 06/07/88 HOUSE In Messages; Concurred—HJ 1672; CS passed as further amended; YEAS 111 NAYS 0—HJ 1673  
 06/07/88 Ordered engrossed, then enrolled—SJ 1272  
 06/20/88 Signed by Officers and presented to Governor  
 07/05/88 Approved by Governor; Chapter No. 88-243

**S 855 GENERAL BILL by Johnson and others (Similar CS/H 37, H 1054, S 103, S 126, S 1044)**  
**Saltwater Fishing License;** defines term "marine fish"; provides for such license & prohibits certain unlawful uses; provides for appointment of subagents; provides for marine information system; creates Marine Resources Conservation Trust Fund; creates additional positions, etc. Amends 370.01, 215.22; creates 370.0605-0607. Appropriation: \$1,403,678. Effective Date: 07/01/88 or upon becoming law, whichever occurs later.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Natural Resources and Conservation; Finance, Taxation and Claims; Appropriations—SJ 109  
 04/29/88 SENATE Extension of time granted Committee Natural Resources and Conservation  
 05/13/88 SENATE Extension of time granted Committee Natural Resources and Conservation  
 05/27/88 SENATE Extension of time granted Committee Natural Resources and Conservation  
 06/07/88 SENATE Died in Committee on Natural Resources and Conservation

**S 856 GENERAL BILL by Gordon (Similar H 1560)**  
**Cardiac Catheterization/Licensing;** requires health care facility offering cardiac catheterization services to file application for certificate of need with H.R.S. Dept.; requires facilities that offer cardiac catheterization services to be licensed; authorizes dept. to set license fee; provides standards for operation of such services; provides for licensure of facilities with operational cardiac catheterization services, etc. Amends 381.706, 385.001, .002; creates 385.042. Effective Date: Upon becoming law.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Health and Rehabilitative Services; Appropriations—SJ 109  
 04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/13/88 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/27/88 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 06/07/88 SENATE Died in Committee on Health and Rehabilitative Services

**S 857 GENERAL BILL/CS by Health and Rehabilitative Services; Gordon (Compare H 791, ENG/H 1653, S 740)**  
**RICO Funds/Drug Abuse Treatment;** provides that certain funds obtained under RICO forfeiture proceedings shall be transferred to H.R.S. Dept. to fund specified alcohol & drug abuse treatment services; repeals provision re disposition of residual RICO funds. Amends 895.09; repeals 895.055. Effective Date: 07/01/88 or upon becoming law, whichever occurs later.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Health and Rehabilitative Services; Appropriations—SJ 109  
 04/22/88 SENATE On Committee agenda—Health and Rehabilitative Services, 04/27/88, 2:00 pm, Room-A  
 04/27/88 SENATE Comm. Report: CS by Health and Rehabilitative Services—SJ 212  
 04/29/88 SENATE CS read first time—SJ 218; Now in Appropriations—SJ 212  
 05/04/88 SENATE Extension of time granted Committee Appropriations  
 05/19/88 SENATE Extension of time granted Committee Appropriations  
 06/07/88 SENATE Died in Committee on Appropriations, Ident./Sim./Compare bill passed, refer to HB 1853 (Ch. 88-381)

**S 858 GENERAL BILL by Cronshaw (Compare CS/H 928)**  
**Workers' Comp./Industrial Claims;** redesignates deputy commissioners & Chief Commissioner as judges of industrial claims & Chief Judge, respectively, pre-

**S 858 (CONTINUED)**  
 scribes salary of such persons; deletes obsolete language. Amends F.S. Effective Date: Upon becoming law.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Commerce, Personnel, Retirement and Collective Bargaining; Appropriations—SJ 109  
 04/28/88 SENATE On Committee agenda—Commerce, 05/02/88, 2:00 pm, Room-A—Temporarily postponed  
 04/29/88 SENATE Extension of time granted Committee Commerce  
 05/13/88 SENATE Extension of time granted Committee Commerce  
 05/27/88 SENATE Extension of time granted Committee Commerce  
 06/07/88 SENATE Died in Committee on Commerce

**S 859 GENERAL BILL/CS by Education; D.C. Childers (Compare H 1596, CS/ENG/H 1649)**  
**School Students/Firearm or Weapon;** requires suspension & expulsion of any public school student found in unauthorized possession of firearm or weapon while on certain public school property or in attendance at school function; authorizes alternative edu. programs for such students; requires expulsion of any state univ. or comm. college student found in unauthorized possession of firearm or weapon while on certain state univ. or community college property. Amends 232.28, 240.133. Effective Date: Upon becoming law.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Education; Judiciary—Criminal—SJ 109  
 04/28/88 SENATE On Committee agenda—Education, 04/28/88, 2:00 pm, Room-A—Temporarily postponed  
 04/29/88 SENATE Extension of time granted Committee Education  
 05/02/88 SENATE On Committee agenda—Education, 05/04/88, 9:00 am, Room-A  
 05/04/88 SENATE Comm. Report: CS by Education—SJ 248  
 05/06/88 SENATE CS read first time—SJ 249; Now in Judiciary—Criminal—SJ 248  
 05/12/88 SENATE On Committee agenda—Judiciary—Criminal, 05/16/88, 2:00 pm, Room-C  
 05/13/88 SENATE Extension of time granted Committee Judiciary—Criminal  
 05/16/88 SENATE Comm. Report: Favorable with 2 amendment(s) by Judiciary—Criminal, placed on Calendar—SJ 310  
 06/07/88 SENATE Died on Calendar

**S 860 GENERAL BILL by D.C. Childers (Compare H 1467, CS/ENG/H 1649, CS/ENG/H 1674, S 3-F)**  
**High School Equivalency Diploma/Exam;** requires State Board of Education to adopt rules providing for examination fees & frequency that examination will be offered & establishes procedure for reexamination of any person who fails examination. Amends 229.614. Effective Date: Upon becoming law.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Education; Appropriations—SJ 109  
 04/26/88 SENATE On Committee agenda—Education, 04/28/88, 2:00 pm, Room-A  
 04/28/88 SENATE Comm. Report: Favorable by Education—SJ 211  
 04/29/88 SENATE Now in Appropriations—SJ 212  
 05/04/88 SENATE Extension of time granted Committee Appropriations  
 05/19/88 SENATE Extension of time granted Committee Appropriations  
 05/25/88 SENATE Withdrawn from Appropriations—SJ 378; Placed on Calendar  
 06/07/88 SENATE Died on Calendar, Ident./Sim./Compare Bill passed, refer to SB 3-F (Ch. 88-557)

**S 861 GENERAL BILL by Kiser (Similar H 533)**  
**State Employment/OPS Extension;** modifies provisions re extended employment of other personal services temporary employees; provides exemptions; modifies requirements for annual report of D.O.A.; allows H.R.S. Dept. to extend employment of specified health care practitioners. Amends 110.131. Effective Date: 10/01/88.  
 04/06/88 SENATE Filed  
 04/18/88 SENATE Introduced, referred to Personnel, Retirement and Collective Bargaining; Appropriations—SJ 110  
 04/25/88 SENATE On Committee agenda—Personnel, Retirement and Collective Bargaining, 04/27/88, 2:00 pm, Room-C  
 04/27/88 SENATE Comm. Report: Favorable with 1 amendment(s) by Personnel, Retirement and Collective Bargaining—SJ 212  
 04/29/88 SENATE Now in Appropriations—SJ 212  
 05/04/88 SENATE Extension of time granted Committee Appropriations  
 05/19/88 SENATE Extension of time granted Committee Appropriations  
 05/30/88 SENATE Withdrawn from Appropriations—SJ 548; Placed on Calendar  
 06/02/88 SENATE Placed on Special Order Calendar—SJ 713 &—SJ 715; Placed on Consent Calendar—SJ 715; Ident./Sim. House Bill substituted; Laid on Table under Rule, Ident./Sim./Compare Bill passed, refer to HB 533 (Ch. 88-333)—SJ 771

**S 862 GENERAL BILL by Kiser (Compare CS/H 1295)**  
**Credit Card Account Lists;** provides that it is unlawful for certain persons to make credit card account lists or portions thereof available to third parties; provides exemption; provides penalty. Amends 817.848. Effective Date: 10/01/88.  
 04/06/88 SENATE Filed

by the Committee on Finance, Taxation and Claims and  
Senator Crenshaw

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled  
2 An act relating to sales tax; amending s.  
3 212.08, F.S.; exempting certain foods or drinks  
4 sold by nonprofit or charitable organizations;  
5 providing an effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9 Section 1. Paragraph (a) of subsection (1) of section  
10 212.08, Florida Statutes, as amended by sections 26, 27, and  
11 28 of chapter 87-548, Laws of Florida, is amended and  
12 paragraph (y) is added to subsection (7) of said section to  
13 read:

14 212.08 Sales, rental, use, consumption, distribution,  
15 and storage tax; specified exemptions.--The sale at retail,  
16 the rental, the use, the consumption, the distribution, and  
17 the storage to be used or consumed in this state of the  
18 following are hereby specifically exempt from the tax imposed  
19 by part I of this chapter.

20 (1) EXEMPTIONS; GENERAL GROCERIES.--  
21 (a) There are exempt from the tax imposed by this  
22 chapter food and drinks for human consumption except candy.  
23 Unless the exemption provided by paragraph (7)(q) for school  
24 lunches, paragraph (7)(i) for meals to certain patients or  
25 inmates, or paragraph (7)(k) for meals provided by certain  
26 nonprofit organizations, or paragraph (7)(y) for food or  
27 drinks sold through vending machines pertains, none of such  
28 items of food or drinks means:

29 1. Food or drinks served, prepared, or sold in or by  
30 restaurants; drugstores; lunch counters; cafeterias; hotels;  
31 amusement parks; racetracks; taverns; concession stands at

By Senator Crenshaw

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled

2 An act relating to the tax on the sale of

3 candy; amending s. 212.08, F.S.; exempting

4 certain candy provided by nonprofit or

5 charitable organizations from the state sales

6 tax; providing an effective date.

7

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

9

10 Section 1. Paragraph (a) of subsection (1) of section

11 212.08, Florida Statutes, as amended by sections 26, 27, and

12 28 of chapter 87-548, Laws of Florida, is amended to read:

13 212.08 Sales, rental, use, consumption, distribution,

14 and storage tax; specified exemptions.--The sale at retail,

15 the rental, the use, the consumption, the distribution, and

16 the storage to be used or consumed in this state of the

17 following are hereby specifically exempt from the tax imposed

18 by part I of this chapter.

19 (1) EXEMPTIONS; GENERAL GROCERIES.--

20 (a) There are exempt from the tax imposed by this

21 chapter food and drinks for human consumption and candy which

22 is sold for 25 cents or less through a coin-operated bulk

23 vending machine sponsored by a nonprofit or charitable

24 organization except-candy. Unless the exemption provided by

25 paragraph (7)(q) for school lunches, paragraph (7)(1) for

26 meals to certain patients or inmates, or paragraph (7)(k) for

27 meals provided by certain nonprofit organizations pertains,

28 none of such items of food or drinks means:

29 1. Food or drinks served, prepared, or sold in or by

30 restaurants; drugstores; lunch counters; cafeterias; hotels;

31 amusement parks; racetracks; taverns; concession stands at

forth, amended. Sections 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, Florida Statutes, are repealed, effective October 1, 1989 and shall be reviewed by the Legislature pursuant to s. 11.611.

Section 26. Subsection (8) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins, basin boards.--

(8)(a) At 11:59 p.m. on June 30, 1988 ~~December 31, 1976~~, the area being transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be formed into a subdistrict or basin of the St. Johns River Water Management District known--Such basin shall be--designated as the Oklawaha River Basin; and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin of an Oklawaha River hydrologic basin for regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's Governing Board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to section 373.073(1)(b)3.c., Florida Statutes, shall serve as chairman of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes. The members--of--the--governing--board--of--the--Oklawaha--River--Basin--of--the--Southwest--Florida--Water--Management--District--shall--become--the--members--of--the--governing--board--of--the--newly--formed--basin;--The governing board of the St. Johns River Water Management District may change the boundaries; but may not abolish the basin.

(b) ~~Also~~, the entire area of the St. Johns River Water Management District, less those areas formerly in the Oklawaha Basin, shall cease to be formed into a subdistrict or basin of the St. Johns River Water Management District known--Such area shall be designated as the Greater St. Johns River Basin; and said Greater St. Johns River Basin shall cease to exist. The area formerly known as the Greater St. Johns River Basin shall continue to be part of the St. Johns River Water Management District. The Greater St. Johns River Basin shall have all the powers, duties, functions, and responsibilities provided and authorized for subdistricts or basins of water management districts.

~~The governing board of the St. Johns River Water Management District shall also serve as the governing board of the Greater St. Johns River Basin.~~

(c) As of 11:59 p.m. on June 30, 1988, assets and liabilities of the former Oklawaha River and Greater St. Johns River Basins shall be

assets and liabilities of the St. Johns River Water Management District. Any contracts, plans, orders, or agreements of such basins shall continue to be in effect, but may be modified or repealed by the St. Johns River Water Management District in accordance with law. For all purposes for assessing and levying the millage rate authorized under section 373.503, subsequent to December 31, 1987, including the purposes of certifying the millage rate for fiscal year 1988-89, pursuant to chapter 700, said millage rate shall be levied retroactive to January 1, 1988.

Section 27. Except as provided herein, this act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Approved by the Governor July 5, 1988.

Filed in Office Secretary of State July 5, 1988.

CHAPTER 88-243

Committee Substitute for Senate Bill No. 854

An act relating to taxation; amending ss. 206.425, 206.97, F.S.; providing for relief from motor fuel taxes and other fuel taxes in certain circumstances; amending s. 212.06, F.S.; providing for calculation of the use tax on asphalt manufactured for a person's own use; providing for an additional indexed tax on such asphalt, amending s. 212.08, F.S.; exempting certain foods or drinks sold by nonprofit or charitable organizations, including certain nonprofit corporations broadcasting television programs of a religious nature in the definition of "religious institutions" for purposes of exemption from said tax; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations, providing an effective date.

Be It Enacted by the Legislature of the State of Florida

Section 1. Paragraph (c) is added to subsection (1) of section 212.06, Florida Statutes, to read:

212.06 Sales, storage, use tax; collectible from dealers, "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.--

(1)

(c) Notwithstanding the provisions of paragraph (b), the use tax on asphalt manufactured for one's own use shall be calculated with respect to paragraph (b) only upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and of the transportation of such components and ingredients. In addition, an indexed tax of 38 cents per ton of such manufactured asphalt shall be due at the same time and in the same manner as taxes due pursuant to paragraph (b). Beginning July 1, 1989, the indexed tax shall be adjusted each July 1 to an amount, rounded to the nearest cent, equal to the product of 38 cents multiplied by a fraction, the numerator of which is the annual average of the



"materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics, for the previous calendar year, and the denominator of which is the annual average of said series for calendar year 1988.

Section 2. Paragraph (a) of subsection (1) of section 212.08, Florida Statutes, as amended by sections 26, 27, and 28 of chapter 87-548, Laws of Florida, is amended and paragraph (y) is added to subsection (7) of said section to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(1) EXEMPTIONS; GENERAL GROCERIES.--

(a) There are exempt from the tax imposed by this chapter food and drinks for human consumption except candy. Unless the exemption provided by paragraph (7)(q) for school lunches, paragraph (7)(i) for meals to certain patients or inmates, or paragraph (7)(k) for meals provided by certain nonprofit organizations, or paragraph (7)(y) for food or drinks sold through vending machines pertains, none of such items of food or drinks means:

1. Food or drinks served, prepared, or sold in or by restaurants; drugstores; lunch counters; cafeterias; hotels; amusement parks; racetracks; taverns; concession stands at arenas, auditoriums, carnivals, fairs, stadiums, theaters, or other like places of business; or by any business or place required by law to be licensed by the Division of Hotels and Restaurants of the Department of Business Regulation, except bakery products sold in or by pastry shops, doughnut shops, or like establishments for consumption off the premises;

2. Foods and drinks sold ready for immediate consumption from vending machines, pushcarts, motor vehicles, or any other form of vehicle;

3. Soft drinks, which include, but are not limited to, any nonalcoholic beverage; any preparation or beverage commonly referred to as a "soft drink"; or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers. The term "soft drink" does not include: natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee or coffee substitutes; tea except when sold in containers as provided herein; cocoa; products intended to be mixed with milk; or natural fluid milk;

4. Foods or drinks cooked or prepared on the seller's premises and sold ready for immediate consumption either on or off the premises, excluding bakery products for off-premises consumption unless such foods are taxed under subparagraph 1. or subparagraph 2.; or

5. Sandwiches sold ready for immediate consumption.

For the purposes of this paragraph, "seller's premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater, the seating, aisle, or parking area of an arena, rink, or stadium, or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

(7) MISCELLANEOUS EXEMPTIONS.--

(y) Vending machines sponsored by nonprofit or charitable organizations.--Also exempt are food or drinks for human consumption sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3) or s. 501(c)(4) of the U.S. Internal Revenue Code of 1986, as amended.

Section 3. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, as amended by chapter 87-548, Laws of Florida, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(7) MISCELLANEOUS EXEMPTIONS.--

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.--

1. There are exempt from the tax imposed by part I of this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the

sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consist of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of, or rehabilitation of persons from, alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

Section 4. Effective July 1, 1988, and applicable to audit periods which remain open for final assessment, subsection (4) of section 206.425, Florida Statutes, is amended to read

206.425 Tax-exempt purchasers; refiner or importer to obtain affidavits or resale certificates; relief from audit or assessment; refunds authorized.--

(4)(a) In order to seek relief from an audit or assessment completed on or after June 24, 1984, a person may, through the informal protest procedure established under s. 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale or transfer of motor fuel. The department shall accept resale certificates or affidavits properly executed when submitted during the protest period, but such certificates or affidavits may not be considered in proceedings instituted under chapter 120 or in actions instituted in circuit court under chapter 72, unless such certificates or affidavits have been submitted and considered by the department under the procedure established in s. 213.21.

(b) If a person or licensee can establish to the satisfaction of the department that the tax assessed has been remitted to the state, or that no tax is due because the special or alternative fuel was sold for a use other than for use in a motor vehicle, that person or licensee may seek relief from the department pursuant to s. 213.21.

Section 5. Section 206.97, Florida Statutes, is amended to read:

206.97 Applicability of specified sections of part I.--The provisions of ss. 206.026, 206.027, 206.028, 206.04, 206.055, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.41(3), 206.425, 206.44, 206.49, 206.56, 206.59, 206.61, and 206.62 of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However:

- (1) "Refiner, importer, or wholesaler" means "dealer."
- (2) "Motor fuel" means "special fuel."
- (3) No provision of any such section shall apply if it conflicts with any provision of this part.

Section 6. Paragraph (1) is added to subsection (3) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.--

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

(1) Any county which has imposed the additional 1-percent tax pursuant to paragraph (d) for a period of 1 year may, by a majority plus one vote of the governing board of the county, impose an additional tax of 2 percent of each dollar if the state is participating with the county in an economic development project for which the additional 2-percent tax is necessary to retire the bonded indebtedness, if the state's contribution toward the cost of the project does not exceed \$3 million, and if the total cost of the project does not exceed \$12 million. However, the additional tax imposed under this paragraph may not be levied in any portion of the county which is leased to another county. If the tax authorized in paragraph (c) or paragraph (d) is levied within a subcounty special taxing district, the additional tax authorized in this paragraph shall only be levied therein. The provisions of paragraphs (4)(a) through (d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

Section 7. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Approved by the Governor July 5, 1988.

Filed in Office Secretary of State July 5, 1988.

## CHAPTER 88-244

Senate Bill No. 870

An act relating to interference with custody; amending s. 787.03, F.S.; providing that a person who knowingly or recklessly interferes with the custody of a child or an incompetent person is guilty of a felony of the third degree; providing that certain persons who have custody of a child or an incompetent person and who maliciously take the child or incompetent person with intent to deprive the right of custody of another who has a right to custody thereof are guilty of a felony of the third degree; providing an effective date.

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

Section 1. Section 787.03, Florida Statutes, is amended to read  
787.03 Interference with custody.--

(1) Whoever, without lawful authority, knowingly or recklessly takes or entices, or aids, abets, hires, or otherwise procures another to take or entice, any child 17 years of age or under or any incompetent person from the custody of his parent, his guardian, a public agency having the lawful charge of the child or incompetent person, or any other lawful custodian commits the offense of interference with custody and shall be guilty of a felony of the third degree misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) In the absence of a court order determining rights to custody or visitation with any child 17 years of age or under or with any incompetent person, any parent of the child or incompetent person, whether natural or adoptive, stepparent, legal guardian, or relative of such child or incompetent person who has custody thereof and who takes, detains, conceals, or entices away that child or incompetent person within or without the state, with malicious intent to deprive another person of his right to custody of the child or incompetent person, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A subsequently obtained court order for custody or visitation shall not affect application of this section.

(4)(2) It is a defense that:

(a) The defendant reasonably believes that his action was necessary to preserve the child or the incompetent person from danger to his welfare.

(b) The child or incompetent person was taken away at his own instigation without enticement and without purpose to commit a criminal offense with or against the child or incompetent person.

(5)(3) Proof that a child was 17 years of age or under creates the presumption that the defendant knew the child's age or acted in reckless disregard thereof.

(6) This section shall not apply in cases where a spouse who is the victim of any act of domestic violence or who has reasonable

**Amendment 2**—In title, on page 1, line 9, after the semicolon (,) insert amending s 316 655, F S, providing clarifying language to specify that offenses under the Florida Uniform Traffic Control Law for which criminal penalties are otherwise expressly provided are criminal offenses,

On motion by Senator McPherson, by two-thirds vote CS for SB's 69 and 734 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	Frank	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thomas
Childers, D	Hair	Malchon	Thurman
Childers, W. D.	Hill	Margolis	Weinstein
Crawford	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Johnson	Plummer	

Nays—None

Vote after roll call.

Yea—Peterson

**CS for SB 344**—A bill to be entitled An act relating to parking, amending s 316 1945, F S, authorizing the Department of Transportation to regulate parking on the roadway or shoulder of a limited access facility, providing an effective date

—was read the second time by title

Further consideration of **CS for SB 344** was deferred

**SB 710**—A bill to be entitled An act relating to obstructing channels, amending s. 861 021, F S., providing additional areas where it is unlawful to obstruct a channel, providing a penalty, providing an effective date

—was read the second time by title

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Woodson

**Amendment 1**—On page 1, strike all of lines 19-22 and insert States, or in channels of the waters of the state within 500 yards of US Coast Guard authorized markers

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

**Amendment 1A**—On page 1, strike all of lines 12 and 13 and insert States or any entity that the US Coast Guard authorizes to place and maintain such markers

**Amendment 1** as amended was adopted.

On motion by Senator Woodson, by two-thirds vote SB 710 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was.

Yeas—35

Mr President	Frank	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D	Grizzle	Lehtinen	Thomas
Childers, W D	Hill	Malchon	Thurman
Crawford	Hollingsworth	Margolis	Weinstein
Crenshaw	Jenne	McPherson	Weinstock
Deratany	Jennings	Meek	Woodson
Dudley	Johnson	Myers	

Nays—None

Vote after roll call

Yea—Girardeau, Hair, Peterson

**CS for SB 854**—A bill to be entitled An act relating to sales tax, amending s. 212 08, F S, exempting certain foods or drinks sold by non-profit or charitable organizations, providing an effective date

—was read the second time by title

Senator Crenshaw moved the following amendment which was adopted

**Amendment 1**—On page 3, strike all of lines 10 and 11 and insert qualified as nonprofit pursuant to s 501(c)(3) or s. 501(c)(4) of the US Internal Revenue Code of 1986, as amended

On motion by Senator Crenshaw, by two-thirds vote CS for SB 854 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was:

Yeas—40

Mr President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D	Grizzle	Lehtinen	Stuart
Childers, W D	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

**Motion**

On motion by Senator Barron, by two-thirds vote the special order calendar for Thursday, May 5, was set to include the report of the Committee on Executive Business, the bills remaining on today's special order and the following additional bills: SB 215, CS for SB 259, Senate Bills 294, 316, 343, 396, 436, 535, CS for SB 549, Senate Bills 580, 774 and 168

**Senator Peterson presiding**

**Recognition of President and President Pro Tempore**

Senator Peterson introduced the following guests: Lisa and Vicki Vogt, daughters of President and Mrs Vogt, and Harold Davis, the artist who painted the President's portrait.

Senator Peterson requested the President and Mrs Vogt to join him at the rostrum

Senator Crawford was invited to the rostrum where he presented gifts from the members of the Senate to President and Mrs Vogt.

Senator Peterson introduced the following guests of the President Pro Tempore and Mrs Hill: John and Sandy Hill, son and daughter-in-law; Allen Hill, son, Kathy Hill Dunn, daughter, and grandchildren, Ethan, Danny, Jack and Cory

Senator Peterson requested the President Pro Tempore and Mrs Hill to join him at the rostrum

Senator Barron presented gifts from the members of the Senate to Senator and Mrs Hill

The official portrait of Senator Vogt was unveiled and presented to the Senate

**ENROLLING REPORTS**

CS for SB 82 and SB 908 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 29, 1988

Joe Brown, Secretary

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 28 was corrected and approved

**CO-INTRODUCERS**

Senators Gordon, McPherson and Weinstein—SB 178, Senator Malchon—SJR 360, Senator Kiser—SB 1021, Senator Barron—SJR 1060

**RECESS**

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Thursday, May 5, at 10 00 a m The motion was adopted

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 854 and requests the concurrence of the Senate

*John B. Phelps, Clerk*

**CS for SB 854**—A bill to be entitled An act relating to sales tax, amending s 212.08, F.S., exempting certain foods or drinks sold by nonprofit or charitable organizations, providing an effective date

**Amendment 1**—On page 1, line 8, insert

Section 1 Paragraph (c) is added to subsection (1) of section 212.06, Florida Statutes, to read

212.06 Sales, storage, use tax, collectible from dealers, "dealer" defined, dealers to collect from purchasers, legislative intent as to scope of tax —

(c) *Notwithstanding the provisions of paragraph (b), the use tax on asphalt manufactured for one's own use shall be calculated with respect to paragraph (b) only upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and of the transportation of such components and ingredients and of the finished asphalt. In addition, an indexed tax of 38 cents per ton of such manufactured asphalt shall be due at the same time and in the same manner as taxes due pursuant to paragraph (b). Beginning July 1, 1989, the indexed tax shall be adjusted each July 1 to an amount, rounded to the nearest cent, equal to the product of 38 cents multiplied by a fraction, the numerator of which is the annual average of the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics, for the previous calendar year, and the denominator of which is the annual average of said series for calendar year 1988.*

(Renumber subsequent sections )

**House Amendment 1 to House Amendment 1**—On page 1, lines 23 and 24, strike "*and of the finished asphalt*"

**Amendment 2**—In title, on page 1, line 2, strike "sales tax," and insert tax on sales, use and other transactions, amending s. 212.06, F.S., providing for calculation of the use tax on asphalt manufactured for a person's own use, providing for an additional indexed tax on such asphalt,

**Amendment 3**—On page 3, between lines 12 and 13, insert

Section 2 Paragraph (c) of subsection (7) of section 212.08, Florida Statutes, as amended by chapter 87-548, Laws of Florida, is amended to read

212.08 Sales, rental, use, consumption, distribution, and storage tax, specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter

(7) MISCELLANEOUS EXEMPTIONS —

(c) Religious, charitable, scientific, educational, and veterans' institutions and organizations —

1. There are exempt from the tax imposed by part I of this chapter transactions involving

a Sales or leases directly to churches or sales or leases of tangible personal property by churches,

b Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries, and

c Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part

2 The provisions of this section authorizing exemptions from tax shall be strictly defined, limited and applied in each category as follows

a "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation qualified as nonprofit pursuant to s 501(c)(3), United States Internal Revenue Code, 1986, as amended, whose activities and purpose are to broadcast to the general public television programs of a religious nature and whose financial support, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public

b "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service

(I) Medical aid for the relief of disease, injury, or disability,

(II) Regular provision of physical necessities such as food, clothing, or shelter,

(III) Services for the prevention of, or rehabilitation of persons from, alcoholism or drug abuse, the prevention of suicide, or the alleviation of mental, physical, or sensory health problems,

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services, or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals,

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder

c "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s 501(c)(3) of the Internal Revenue Code

d "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members



e "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code

(Renumber subsequent section )

**Amendment 4**—In title, on page 1, line 4, after the semicolon (,) insert: including certain nonprofit corporations broadcasting television programs of a religious nature in the definition of "religious institutions" for purposes of exemption from said tax;

Senator W D Childers moved the following amendment to House Amendment 2 which was adopted:

**Amendment 1**—In title, on page 1, strike line 12 and insert: taxation, amending ss. 206.425, 206.97, F.S., providing for relief from motor fuel taxes and other fuel taxes in certain circumstances,

Senator Deratany moved the following amendment to House Amendment 3 which was adopted:

**Amendment 1**—On page 1, lines 22-31, on pages 2-4, lines 1-31, and on page 5, lines 1-15, strike all of said lines and insert:

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations —

There are exempt from the tax imposed by part I of this chapter transactions involving:

a Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries, and

c Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2 The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows.

a "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s 501(c)(3), United States Internal Revenue Code, 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consist of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public*

b "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability,

(II) Regular provision of physical necessities such as food, clothing, or shelter,

(III) Services for the prevention of, or rehabilitation of persons from, alcoholism or drug abuse, the prevention of suicide, or the alleviation of mental, physical, or sensory health problems,

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship,

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder.

c "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s 501(c)(3) of the Internal Revenue Code

d "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members.

e "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

Senator W D Childers moved the following amendment to House Amendment 3 which was adopted:

**Amendment 2**—On page 5, line 16, insert:

Section 3 Effective July 1, 1988, and applicable to audit periods which remain open for final assessment, subsection (4) of section 206.425, Florida Statutes, is amended to read:

206.425 Tax-exempt purchasers, refiner or importer to obtain affidavits or resale certificates, relief from audit or assessment, refunds authorized —

(4)(a) In order to seek relief from an audit or assessment completed on or after June 24, 1984, a person may, through the informal protest procedure established under s 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale or transfer of motor fuel. The department shall accept resale certificates or affidavits properly executed when submitted during the protest period, but such certificates or affidavits may not be considered in proceedings

instituted under chapter 120 or in actions instituted in circuit court under chapter 72, unless such certificates or affidavits have been submitted and considered by the department under the procedure established in s 213 21

(b) *If a person or licensee can establish to the satisfaction of the department that the tax assessed has been remitted to the state, or that no tax is due because the special or alternative fuel was sold for a use other than for use in a motor vehicle, that person or licensee may seek relief from the department pursuant to s 213 21*

Section 4 Section 206 97, Florida Statutes, is amended to read

206 97 Applicability of specified sections of part I—The provisions of ss 206 026, 206 027, 206 028, 206 04, 206 055, 206 07, 206 075, 206 08, 206 09, 206 095, 206 10, 206 11, 206 12, 206 13, 206 14, 206 15, 206 16, 206 17, 206 175, 206 18, 206 19, 206 20, 206 204, 206 205, 206 21, 206 215, 206 22, 206 23, 206 24, 206 25, 206 27, 206 28, 206 41(3), 206 425, 206 44, 206 49, 206 56, 206 59, 206 61, and 206 62 of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However

(1) "Refiner, importer, or wholesaler" means "dealer"

(2) "Motor fuel" means "special fuel"

(3) No provision of any such section shall apply if it conflicts with any provision of this part

Senator W D Childers moved the following amendment to House Amendment 3 which was adopted

**Amendment 3**—On page 5, line 17, insert

Section 3. Paragraph (l) is added to subsection (3) of section 125 0104, Florida Statutes, to read:

125 0104 Tourist development tax, procedure for levying, authorized uses, referendum; enforcement —

(3) TAXABLE PRIVILEGES, EXEMPTIONS, LEVY, RATE —

(l) *Any county which has imposed the additional 1-percent tax pursuant to paragraph (d) for a period of 1 year may, by a majority plus one vote of the governing board of the county, impose an additional tax of 2 percent of each dollar if the state is participating with the county in an economic development project for which the additional 2-percent tax is necessary to retire the bonded indebtedness, if the state's contribution toward the cost of the project does not exceed \$3 million, and if the total cost of the project does not exceed \$12 million. However, the additional tax imposed under this paragraph may not be levied in any portion of the county which is leased to another county. If the tax authorized in paragraph (c) or paragraph (d) is levied within a sub-county special taxing district, the additional tax authorized in this paragraph shall only be levied therein. The provisions of paragraphs (4)(a) through (d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.*

Senator W. D. Childers moved the following amendment to House Amendment 4 which was adopted.

**Amendment 1**—In title, on page 1, line 15, after the semicolon (,) insert: amending s 125 0104, F.S., authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations,

On motions by Senator Crenshaw, the Senate concurred in House Amendment 1, concurred in House Amendments 2, 3 and 4 as amended and the House was requested to concur in the Senate amendments to the House amendments

CS for SB 854 passed as amended and the action of the Senate was certified to the House. The vote on passage was

Yeas—29

Mr President	Grant	Malchon	Stuart
Beard	Hair	Margolis	Thurman
Childers, D	Hollingsworth	Meek	Weinstein
Childers, W D	Jenne	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson
Deratany	Kirkpatrick	Plummer	
Dudley	Langley	Ros-Lehtinen	
Girardeau	Lehtinen	Scott	

Nays—None

Vote after roll call

Yea—Crawford, Jennings

**SPECIAL ORDER, continued**

The Senate resumed consideration of—

**HB 1473**—A bill to be entitled An act relating to asbestos, amending s 553 79, F.S., relating to building permits for demolition or renovation of structures containing asbestos, requiring such permits to contain an asbestos notification statement, amending s 255 551, F.S.; providing definitions, amending s 255.553, F.S., revising language with respect to the required asbestos survey to include reference to AHERA (Asbestos Hazard Emergency Response Act of 1986) procedures, amending s 255 554, F.S.; advancing the date for the review of the survey, amending s 255 556, F.S., revising language with respect to asbestos assessment, amending s 255 557, F.S., providing a time frame for the submission of operation and maintenance plans with respect to asbestos; amending s 255 562, F.S., revising language with respect to the completion of asbestos abatement projects, amending s 255 563, F.S., including reference to AHERA, amending s 255 565, F.S., providing that one member of the Asbestos Oversight Program Team shall be appointed by the Department of Education, amending s 455 301, F.S.; providing definitions; amending s 455 302, F.S., revising license criteria, providing exemptions; amending ss 455 303 and 455 305, F.S., adding requirements for licensure as an asbestos consultant or asbestos contractor, amending s 455 306, F.S., revising language with respect to licensure revocation to clarify certain standards, amending s 455 307, F.S., conforming to the act, amending s 455.308, F.S.; revising criteria with respect to course requirements for abatement contractor employees, creating s 455.309, F.S., providing course requirements for asbestos surveyors, management planners, and project monitors, providing for review and repeal, providing effective dates

—was read the third time by title, having been amended June 1

Senator Gordon moved the following amendment

**Amendment 3**—On page 16, between lines 2 and 3, insert:

(c) *The Department of Professional Regulation shall also license as an asbestos consultant any person who has a bachelor's degree in environmental, biological, or physical science and who is certified by the department as having*

*Paid the initial licensing fee,*

2 *Successfully completed the course of instruction prescribed in s 455 305,*

3 *Provided evidence of satisfactory work on ten asbestos projects within the last 5 years,*

4 *Provided evidence of financial stability, and*

5 *Passed a department-administered examination of qualifications and knowledge relating to asbestos*

Senator Thurman moved the following substitute amendment

**Amendment 4**—On page 16, between lines 2 and 3, insert

(c) *The Department of Professional Regulation may also license as an asbestos consultant any person who has an earned doctorate degree in environmental, biological, or physical science and who is certified by the department as having*

*Paid the initial licensing fee,*

limit for hearing and extension for good cause, providing limitation for reapplications for additional or relocated dealership of certain dismissed applications, providing for application of the act relating to certain systems of distribution; providing for continuation of laws notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal of said laws; providing an effective date.

—was read the second time by title On motion by Senator Margolis, by two-thirds vote CS for SB 982 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Gordon	Langley	Scott
Beard	Grant	Malchon	Stuart
Brown	Grizzle	Margolis	Thomas
Childers, D.	Hair	McPherson	Thurman
Childers, W D	Hill	Meek	Weinstein
Crenshaw	Hollingsworth	Myers	Weinstock
Dudley	Jenne	Peterson	
Frank	Johnson	Plummer	
Garardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

On motion by Senator Margolis, the rules were waived and CS for SB 982 was ordered immediately certified to the House.

**Motions**

On motion by Senator Grant, the rules were waived and SB 682 was ordered immediately certified to the House.

On motion by Senator Kirkpatrick, the rules were waived and CS for CS for SB 1192 was ordered immediately certified to the House

Consideration of SB 824 was deferred

**SB 890**—A bill to be entitled An act relating to education, amending ss 228 074, 228 075, 228 076, F.S., conforming terminology; providing requirements for lay member nominees to the regional coordinating councils established within each vocational education planning region, requiring a council chairman to notify the Commissioner of Education rather than the Governor of the absence of certain council members; providing additional duties for the councils; requiring the Department of Education to summarize regional vocational education plans prepared by the councils, deleting the requirement that school districts and community colleges submit annual budgets to the appropriate regional coordinating council for review; providing an effective date

—was read the second time by title

The Committee on Education recommended the following amendment which was moved by Senator Peterson and adopted:

**Amendment 1**—On page 7, line 17, strike “prepare” and insert *coordinate the development of*

On motion by Senator Peterson, by two-thirds vote SB 890 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was.

Yeas—35

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D	Grizzle	Malchon	Stuart
Childers, W D	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Garardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call

**CS for SB 370**—A bill to be entitled An act relating to fuel taxes, creating ss. 206 101, 206 102, F S., consolidating state taxes on motor fuel and local option taxes on motor fuel, providing for collection, enforcement, and administration of such taxes; providing collection allowances; renumbering and amending ss. 206.23, 206.02, 206.021, 206.404, 206.055, 206.026, 206 027, 206 028, 206 03, 206 04, 206 05, 206.065, 206.43, 206.09, 206.10, 206.48, 206.485, 206.62, 206.42, 206.41, 206.425, 212 67, 206.11, 206.44, 206.426, 206.56, 206.14, 206 18, 206.06, 206 07, 206.075, 206.19, 206.21, 206 215, 206.24, 206.27, 206.59, 206.406, 206.45, 206.47, 206 60, 206.605, 212 69, 206.89, 206.90, 206.91, 206.87, 206 877, 206.875, 206.879, 206.97, F.S., creating ss. 206.703, F.S., amending ss. 206.01, 206 9915, 206.9825, 206.9845, 206.9931, 206.9441, 206 9442, 207.003, 207 026, 212.05, 212.08, 336.021, 336.025, 336 026, F S.; consolidating and reorganizing provisions of chapters 206, 212, 336, F.S., relating to the taxation of motor fuel, providing for the return of certain taxes paid by a school district to such school district; revising certain tax exemptions relating to special fuels, revising certain cross-references; revising certain definitions, creating s. 206.178, F S.; authorizing certain importers and jobbers to self-accrue and remit taxes under certain circumstances; providing an exemption from paying certain taxes; renumbering ss. 206.022, 206.025, 206 095, 206.12, 206.15, 206 16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206 61, 206.85, 206.86, 206.88, 206 92, 206.96, F.S., amending ss. 7.52, 163.3184, 207 023, 207.026, 212.235, 215.22, 218 21, 336.024, 376.301, 849.092, F S., correcting cross-references; repealing ss. 206.08, 206 25, 206.41, 206.49, 206.625, 206.63, 206 64, 206.93, 206 94, 206.945, 212.60, 212.61, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.66, F S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; providing an effective date

—was read the second time by title.

Senator W D Childers moved the following amendments which were adopted

**Amendment 1**—On page 2, line 20, insert.

Section 1 Paragraph (1) is added to subsection (3) of section 125 0104, Florida Statutes, to read:

125.0104 Tourist development tax, procedure for levying; authorized uses; referendum. enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY, RATE.—

(1) Any county which has imposed the additional 1-percent tax pursuant to paragraph (d) for a period of 1 year may, by a majority plus one vote of the governing board of the county, impose an additional tax of 2 percent of each dollar

(Renumber subsequent sections )

**Amendment 2**—On page 33, strike all of lines 6-18 and insert.

(4)(a) In order to seek relief from an audit or assessment completed on or after June 24, 1984, a person may, through the informal protest procedure established under s. 213 21 and the rules of the department, provide the department with evidence of the exempt status of a sale or removal transfer of motor fuel. The department shall accept resale certificates or affidavits properly executed when submitted during the protest period, but such certificates or affidavits may not be considered in proceedings instituted under chapter 120 or in actions instituted in circuit court under chapter 72, unless such certificates or affidavits have been submitted and considered by the department under the procedure established in s. 213 21

(b) If a person or licensee can establish to the satisfaction of the department that the tax assessed has been remitted to the state or that no tax is due on transactions involving propane sold for a use other than for use in a motor vehicle, that person or licensee may seek relief from the department pursuant to s. 213 21

**Amendment 3**—On page 108, line 11, before the period ( ) insert except that if it becomes a law after July 1, 1988, section 25 shall operate retroactively to that date and shall apply to audit periods which remain open for final assessment on that date for which a proposed assessment has been issued

**Amendment 4**—In title, on page 1, strike line 2 and insert An act relating to taxation, amending s. 125 0104, F S., authorizing certain counties to levy an additional 2-percent tourist development tax on transac-

**Amendment 5**—In title, on page 2, line 16, after the semicolon(,) insert providing for retroactivity and application of certain provisions under certain circumstances.

On motion by Senator Deratany, by two-thirds vote CS for SB 370 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

Barron	Frank	Johnson	Ros-Lehtinen
Beard	Girardeau	Kirkpatrick	Scott
Brown	Gordon	Lehtinen	Stuart
Childers, D	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Weinstock
Crenshaw	Hill	Meek	Woodson
Deratany	Jenne	Myers	
Dudley	Jennings	Peterson	

Nays—2

Hollingsworth Langley

Vote after roll call.

Yea—Plummer, Weinstein

On motion by Senator Deratany, the rules were waived and CS for SB 370 was ordered immediately certified to the House

The Senate resumed consideration of—

**HB 1492**—A bill to be entitled An act relating to The Division of Florida Land Sales, Condominiums, and Mobile Homes, amending s 498.003, F.S., clarifying legislative intent, amending s 498.005, F.S., clarifying various definitions and adding a definition of "common promotional plan", amending s 498.007, F.S., clarifying powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes, amending s 498.011, F.S., deleting obsolete language with respect to employees of the division, amending s 498.013, F.S.; clarifying language with respect to the seal and authentication of certain records, amending s 498.017, F.S., revising provisions relating to fees, requiring the division to set fees by rule for filing notification of a material change of an offering, providing limits on such fees; amending s 498.019, F.S.; requiring the division to maintain separate accounts within the trust fund for each of the businesses it regulates; amending s 498.021, F.S., clarifying language with respect to jurisdiction; creating s 498.022, F.S., providing for jurisdiction over fraudulent acts, amending s 498.023, F.S., clarifying language relating to prohibitions on dispositions of interests in subdivided lands; amending s 498.024, F.S., relating to reservation programs; amending s 498.025, F.S., relating to exemptions, providing clarifying language, providing for an exemption relative to sale of lands for recreational uses, amending s 498.027, F.S.; revising provisions relating to requirements for application for registration, requiring subdividers to furnish evidence of waivers of jurisdiction or possession of required permits for certain subdivided lands prior to the entry of an order of registration, providing for hearings, providing alternatives to required waivers, approvals or permits, providing for consolidation of registrations for additional subdivided lands, deleting duplicative language, amending s 498.029, F.S., relating to notice of filing and registration, amending s 498.031, F.S., relating to the division's power to make inquiry and examine applicants; amending s 498.033, F.S., relating to post-registration requirements, amending s 498.035, F.S., relating to advertising materials, amending s 498.037, F.S.; clarifying requirements for contents of public offering statements, amending s 498.039, F.S., relating to required assurances or trust and escrow accounts and required encumbrance reports; amending s 498.041, F.S., relating to annual renewal of registrations, deleting duplicative language, adding a requirement that registrants provide specified information on all real estate brokers and salesmen who work for them; amending s 498.047, F.S., providing that the division shall have the power to investigate registrants as necessary; amending s 498.049, F.S., providing for revocation or suspension of registrations and for civil penalties, amending s 498.051, F.S., providing for the issuance of cease and desist orders, amending s 498.053, F.S.; providing for the issuance of notice to show cause orders, amending s 498.057, F.S., relating to service of process, amending s 498.059, F.S., relating to penalties, amending s 498.061, F.S., relating to civil remedies, deleting the 5-year statute of repose, amending s 498.063, F.S., eliminating duplicative and obsolete language in the saving clause; repealing s 498.015, F.S., relating to the

advisory council appointed to advise the division in land sales matters, repealing s 498.045, F.S., relating to the registration and regulation of salesmen and brokers, repealing s 498.055, F.S., relating to reports of disciplinary action made to the Florida Real Estate Commission, amending s 509.013, F.S., revising an exclusion from the definition of the term public lodging establishment, amending s 509.215, F.S., delaying dates for installation of certain firesafety equipment, saving chapter 498, F.S., from Sunset repeal; providing for future review and repeal, providing an effective date.

—with pending Amendment 4 which failed

On motion by Senator Margolis, by two-thirds vote HB 1492 as amended was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—30

Beard	Grant	Lehtinen	Scott
Childers, D	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Peterson	Weinstock
Girardeau	Kirkpatrick	Plummer	
Gordon	Langley	Ros-Lehtinen	

Nays—2

Brown Woodson

Vote after roll call:

Yea—Crawford, Frank, Jennings

On motion by Senator Margolis, the rules were waived and HB 1492 was ordered immediately certified to the House.

**CS for SB 90**—A bill to be entitled An act relating to child care, amending s 110.151, F.S., authorizing coordination of child care services; providing for the selection of service providers, setting standards for providers; requiring a statewide feasibility study of child care needs of state employees; authorizing the department to adopt rules; providing an appropriation; providing for retroactive application, providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Malchon and adopted

**Amendment 1**—On page 2, strike all of lines 20-26 and renumber subsequent subsections.

Senator Malchon moved the following amendment which was adopted

**Amendment 2**—On page 1, line 20, strike "may" and insert shall

Senators Grant, Grizzle, Malchon and Frank offered the following amendments which were moved by Senator Grant and adopted.

**Amendment 3**—On page 6, between lines 19 and 20, insert:

Section 3 Section 787.04, Florida Statutes, is amended to read.

787.04 Felony to remove ~~minors children~~ from state or to conceal ~~minors children~~ contrary to state agency or court order.—

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a ~~minor child~~ beyond the limits of this state, or to conceal the location of a ~~minor child~~, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a ~~minor child~~ beyond the limits of this state, or to conceal the location of a ~~minor child~~, during the pendency of any action or proceeding affecting custody of the ~~minor child~~, after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(3) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a ~~minor child~~ beyond the limits of this state, or to conceal