

By Senator Villalobos

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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 220.19, 420.5087, and 624.5107, F.S., and repealing
4 ss. 110.1245(4)(b), 185.085(6), 215.96(4),
5 216.292(3)(c)-(e) and (5)(b), 253.03(17),
6 253.034(6)(f)2., 320.08058(1)(d), 322.025(2),
7 403.890(5), 408.036(3)(m), 475.278(2)(b) and (c),
8 487.041(1), 509.302(8), 561.121(4), 561.501, 570.957,
9 921.0001, 921.001, 921.0011, 921.0012, 921.0013,
10 921.0014, 921.0015, 921.0016, 921.005, 985.803,
11 985.804, 985.805, 985.806, 985.807, and 1010.78, F.S.,
12 to delete provisions which have become inoperative by
13 noncurrent repeal or expiration and, pursuant to s.
14 11.242(5)(b) and (i), may be omitted from the 2009
15 Florida Statutes only through a reviser's bill duly
16 enacted by the Legislature; repealing ss. 626.97411
17 and 1006.20(10), F.S., to confirm the October 2, 2008,
18 repeal of exemptions in accordance with the Open
19 Government Sunset Review Act; and amending s.
20 775.0845, F.S., to conform to the repeal of ss.
21 921.0012 and 921.0013, F.S.; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (b) of subsection (4) of section
27 110.1245, Florida Statutes, is repealed.

28 Reviser's note.—The cited paragraph, which relates to
29 use of funds for cash awards to state employees for

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30 the 2007-2008 fiscal year only, was repealed by its
31 own terms, effective July 1, 2008.

32 Section 2. Subsection (6) of section 185.085, Florida
33 Statutes, is repealed.

34 Reviser's note.—The cited subsection, which relates to
35 distribution of premium excise tax amounts pursuant to
36 specified formulae and conditions, expired pursuant to
37 its own terms, effective January 1, 2008.

38 Section 3. Subsection (4) of section 215.96, Florida
39 Statutes, is repealed.

40 Reviser's note.—The cited subsection, which relates to
41 duties of the Financial Management Information Board,
42 through its coordinating council, to facilitate the
43 integration of specified financial management
44 information systems, including establishment of an
45 Enterprise Resource Planning Integration Task Force,
46 was amended by two 2004 laws. The amendment by s. 26,
47 ch. 2004-269, Laws of Florida, provided that the
48 subsection expired pursuant to its own terms,
49 effective July 1, 2005. The amendment by s. 10, ch.
50 2004-390, Laws of Florida, provided that the
51 subsection expired pursuant to its own terms,
52 effective July 1, 2008. Both dates have now occurred.

53 Section 4. Paragraphs (c), (d), and (e) of subsection (3)
54 and paragraph (b) of subsection (5) of section 216.292, Florida
55 Statutes, are repealed.

56 Reviser's note.—The cited paragraphs, which relate to
57 transfer of appropriations for operations relating to
58 criminal conflict and civil regional counsel budget

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59 entities and between such entities and the child
60 dependency and civil conflict case appropriation
61 category and the criminal conflicts case costs
62 appropriation category within the Justice
63 Administration Commission, and recommendations by the
64 Governor for initiation of fixed capital outlay
65 projects funded by grants awarded by FEMA for certain
66 disaster declarations, were repealed by their own
67 terms, effective July 1, 2008.

68 Section 5. Section 220.19, Florida Statutes, is amended to
69 read:

70 220.19 Child care tax credits.—

71 ~~(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—~~

72 ~~(a)1. A credit of 50 percent of the startup costs of child~~
73 ~~care facilities operated by a corporation for its employees is~~
74 ~~allowed against any tax due for a taxable year under this~~
75 ~~chapter. A credit against such tax is also allowed for the~~
76 ~~operation of a child care facility by a corporation for its~~
77 ~~employees, which credit is in the amount of \$50 per month for~~
78 ~~each child enrolled in the facility.~~

79 ~~2. A credit is allowed against any tax due for a taxable~~
80 ~~year under this chapter for any taxpayer that makes payments~~
81 ~~directly to a child care facility as defined by s. 402.302 which~~
82 ~~is licensed in accordance with s. 402.305, or to any facility~~
83 ~~providing daily care to children who are mildly ill, which~~
84 ~~payments are made in the name of and for the benefit of an~~
85 ~~employee of the taxpayer in this state whose child attends the~~
86 ~~child care facility during the employee's working hours. The~~
87 ~~credit shall be an amount equal to 50 percent of the amount of~~

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88 ~~such child care payments.~~

89 ~~(b) A corporation may not receive more than \$50,000 in~~
90 ~~annual tax credits for all approved child care costs that the~~
91 ~~corporation incurs in any one year.~~

92 ~~(c) The total amount of tax credits which may be granted~~
93 ~~for all programs approved under this section and s. 624.5107 is~~
94 ~~\$2 million annually.~~

95 ~~(d) An application for tax credit under this section must~~
96 ~~be approved by the executive director of the department.~~

97 (1)(e) If the credit granted under this section is not
98 fully used in any one year because of insufficient tax liability
99 on the part of the corporation, the unused amount may be carried
100 forward for a period not to exceed 5 years. The carryover credit
101 may be used in a subsequent year when the tax imposed by this
102 chapter for that year exceeds the credit for which the
103 corporation is eligible in that year under this section after
104 applying the other credits and unused carryovers in the order
105 provided by s. 220.02(8).

106 (2)(f) If a corporation receives a credit for child care
107 facility startup costs, and the facility fails to operate for at
108 least 5 years, a pro rata share of the credit must be repaid, in
109 accordance with the formula: $A = C \times (1 - (N/60))$, where:

110 (a)1. "A" is the amount in dollars of the required
111 repayment.

112 (b)2. "C" is the total credits taken by the corporation for
113 child care facility startup costs.

114 (c)3. "N" is the number of months the facility was in
115 operation.

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117 This repayment requirement is inapplicable if the corporation
118 goes out of business or can demonstrate to the department that
119 its employees no longer want to have a child care facility.

120 ~~(g) A taxpayer that files a consolidated return in this~~
121 ~~state as a member of an affiliated group under s. 220.131(1) may~~
122 ~~be allowed the credit on a consolidated return basis.~~

123 ~~(h) A taxpayer that is eligible to receive credit under s.~~
124 ~~624.5107 is ineligible to receive credit under this section.~~

125 ~~(2) ELIGIBILITY REQUIREMENTS.—~~

126 ~~(a) A child care facility with respect to which a~~
127 ~~corporation claims a child care tax credit must be a child care~~
128 ~~facility as defined by s. 402.302 and must be licensed in~~
129 ~~accordance with s. 402.305, or must be a facility providing~~
130 ~~daily care to children who are mildly ill.~~

131 ~~(b) The services of a child care facility for which a~~
132 ~~corporation claims a child care tax credit under subparagraph~~
133 ~~(1)(a)1. must be available to all employees of the corporation,~~
134 ~~or must be allocated on a first-come, first-served basis, and~~
135 ~~must be used by employees of the taxpayer.~~

136 ~~(c) Two or more corporations may join together to start and~~
137 ~~to operate a child care facility according to the provisions of~~
138 ~~this section. If two or more corporations choose to jointly~~
139 ~~operate a child care facility, or cause a not-for-profit~~
140 ~~corporation to operate the child care facility, the corporations~~
141 ~~must file a joint application or the not-for-profit corporation~~
142 ~~may file the application with the department, pursuant to~~
143 ~~subsection (3), setting forth their proposal. The participating~~
144 ~~corporations may proportion the annual child care costs credits~~
145 ~~in any manner they choose as appropriate, but no jointly~~

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operated corporate child care facility established under this section may receive more than \$50,000 in annual tax credits for all approved child care costs that the participating corporations incur in any one year.

~~(d) Child care payments for which a corporation claims a credit under subparagraph (1)(a)2. shall not exceed the amount charged by the child care facility to other children of like age and abilities of persons not employed by the corporation.~~

~~(3) APPLICATION REQUIREMENTS. Any corporation that wishes to participate in this program must submit to the department an application for tax credit which sets forth the proposal for establishing a child care facility for the use of its employees or for payment of the cost of child care for its employees. This application must state the anticipated startup costs and the number of children to be enrolled, in the case of credit claimed under subparagraph (1)(a)1., or the number of children for whom child care costs will be paid, in the case of credit claimed under subparagraph (1)(a)2.~~

~~(4) ADMINISTRATION.—~~

~~(a) The Department of Revenue may adopt all rules pursuant to the Administrative Procedure Act to administer this section, including rules for the approval or disapproval of proposals submitted by corporations and rules to provide for cooperative arrangements between for profit and not for profit corporations.~~

~~(b) The executive director's decision to approve or disapprove a proposal must be in writing, and, if the proposal is approved, the decision must state the maximum credit allowable to the corporation.~~

~~(c) All approvals for the granting of the tax credit~~

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175 ~~require prior verification by the Department of Children and~~
176 ~~Family Services or local licensing agency that the corporation~~
177 ~~meets the licensure requirements as defined in s. 402.302 and is~~
178 ~~currently licensed in accordance with s. 402.305, or is a~~
179 ~~facility providing daily care to children who are mildly ill.~~

180 ~~(d) Verification of the child care provider as an approved~~
181 ~~facility must be in writing and must be attached to the credit~~
182 ~~application form submitted to the Department of Revenue.~~

183 ~~(5) EXPIRATION. This section expires on June 30, 2008,~~
184 ~~except that paragraph (1) (e), which relates to carryover~~
185 ~~credits, and paragraph (1) (f), which relates to repaying tax~~
186 ~~credits in specified circumstances, do not expire on that date.~~

187 ~~(6) MEANING OF CORPORATION. As used in this section, the~~
188 ~~term "corporation" includes all general partnerships, limited~~
189 ~~partnerships, unincorporated businesses, and all other business~~
190 ~~entities which are owned or controlled by the parent~~
191 ~~corporation.~~

192 Reviser's note.—Amended to conform to the expiration
193 of all of the section except paragraphs (1) (e) and (f)
194 by the terms of subsection (5), effective June 30,
195 2008.

196 Section 6. Subsection (17) of section 253.03, Florida
197 Statutes, is repealed.

198 Reviser's note.—The cited subsection, which relates to
199 lease of the South Florida Evaluation and Treatment
200 Center complex in Miami-Dade County for the 2007-2008
201 fiscal year only, expired pursuant to its own terms,
202 effective July 1, 2008.

203 Section 7. Subparagraph 2. of paragraph (f) of subsection

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204 (6) of section 253.034, Florida Statutes, is repealed.

205 Reviser's note.—The cited subparagraph, which relates
 206 to offer of reconveyance of specified surplus land
 207 conveyed to the state by a fair association before
 208 1955, expired pursuant to its own terms, effective
 209 July 1, 2008.

210 Section 8. Paragraph (d) of subsection (1) of section
 211 320.08058, Florida Statutes, is repealed.

212 Reviser's note.—The cited paragraph, which relates to
 213 use of the annual use fee deposited into the Save the
 214 Manatee Trust Fund from sale of manatee license plates
 215 for buying back unissued manatee plates during the
 216 2007-2008 fiscal year only, expired pursuant to its
 217 own terms, effective July 1, 2008.

218 Section 9. Subsection (2) of section 322.025, Florida
 219 Statutes, is repealed.

220 Reviser's note.—The cited subsection, which relates to
 221 requirements for distribution of safety materials,
 222 including the Official Florida Driver Handbook,
 223 expired pursuant to its own terms, effective July 1,
 224 2008.

225 Section 10. Subsection (5) of section 403.890, Florida
 226 Statutes, is repealed.

227 Reviser's note.—The cited subsection, which authorizes
 228 transfer of interest earnings accumulated in the Water
 229 Protection and Sustainability Program Trust Fund to
 230 the Ecosystem Management and Restoration Trust Fund
 231 for grants and aids to local governments for certain
 232 water projects, expired pursuant to its own terms,

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233 effective July 1, 2008.

234 Section 11. Paragraph (m) of subsection (3) of section
235 408.036, Florida Statutes, is repealed.

236 Reviser's note.—The cited paragraph, which relates to
237 requirements for an adult open-heart-surgery program
238 to be located in a new hospital where the new hospital
239 is being established in the location of an existing
240 hospital with such a program, was repealed by its own
241 terms, effective January 1, 2008.

242 Section 12. Subsection (2) of section 420.5087, Florida
243 Statutes, is amended to read:

244 420.5087 State Apartment Incentive Loan Program.—There is
245 hereby created the State Apartment Incentive Loan Program for
246 the purpose of providing first, second, or other subordinated
247 mortgage loans or loan guarantees to sponsors, including for-
248 profit, nonprofit, and public entities, to provide housing
249 affordable to very-low-income persons.

250 (2) The corporation shall have the power to underwrite and
251 make state apartment incentive loans or loan guarantees to
252 sponsors, provided:

253 (a) The sponsor uses tax-exempt financing for the first
254 mortgage and at least 20 percent of the units in the project are
255 set aside for persons or families who have incomes which meet
256 the income eligibility requirements of s. 8 of the United States
257 Housing Act of 1937, as amended;

258 (b) The sponsor uses taxable financing for the first
259 mortgage and at least 20 percent of the units in the project are
260 set aside for persons or families who have incomes below 50
261 percent of the state or local median income, whichever is

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262 higher, which shall be adjusted by the corporation for family
263 size; or

264 (c) The sponsor uses the federal low-income housing tax
265 credit, and the project meets the tenant income eligibility
266 requirements of s. 42 of the Internal Revenue Code of 1986, as
267 amended. ~~;~~ ~~or~~

268 ~~(d) The project is located in a county that includes, or~~
269 ~~has included within the previous 5 years, an area of critical~~
270 ~~state concern designated or ratified by the Legislature for~~
271 ~~which the Legislature has declared its intent to provide~~
272 ~~affordable housing, and 100 percent of the units in the project~~
273 ~~are set aside for persons or families who have incomes below 120~~
274 ~~percent of the state or local median income, whichever is~~
275 ~~higher, which shall be adjusted by the corporation for family~~
276 ~~size. This paragraph expires July 1, 2008.~~

277
278 ~~This subsection does not prohibit a tenant from qualifying under~~
279 ~~the income eligibility criteria of paragraph (a), paragraph (b),~~
280 ~~or paragraph (c), or paragraph (d) due to the tenant's~~
281 ~~participation in a job training program approved by the~~
282 ~~corporation. Compliance with the provisions of this subsection~~
283 ~~must be contractually provided for the term of the loan or 12~~
284 ~~years, whichever is longer; however, this subsection does not~~
285 ~~apply to loans made to housing communities for the elderly to~~
286 ~~provide for lifesafety, building preservation, health,~~
287 ~~sanitation, or security-related repairs or improvements. Such~~
288 ~~loans shall be subject to tenant income criteria established by~~
289 ~~corporation rule.~~

290 Reviser's note.—Amended to conform to the expiration

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291 of paragraph (d), which relates to projects in areas
292 of critical state concern under the State Apartment
293 Incentive Loan Program, pursuant to its own terms,
294 effective July 1, 2008.

295 Section 13. Paragraphs (b) and (c) of subsection (2) of
296 section 475.278, Florida Statutes, are repealed.

297 Reviser's note.—The cited paragraphs, which relate to
298 disclosure requirements and contents of disclosure for
299 transaction brokers, expired pursuant to their own
300 terms, effective July 1, 2008.

301 Section 14. Subsection (1) of section 487.041, Florida
302 Statutes, is repealed.

303 Reviser's note.—The cited subsection, which requires
304 registration of each brand of pesticide distributed,
305 sold, offered for sale, or transported within this
306 state, expired pursuant to its own terms, effective at
307 midnight, December 31, 2008.

308 Section 15. Subsection (8) of section 509.302, Florida
309 Statutes, is repealed.

310 Reviser's note.—The cited subsection, which authorizes
311 use of revenue from administrative fines to support
312 the Hospitality Education Program, expired pursuant to
313 its own terms, effective July 1, 2008.

314 Section 16. Subsection (4) of section 561.121, Florida
315 Statutes, is repealed.

316 Reviser's note.—The cited subsection, which relates to
317 payment of funds collected pursuant to s. 561.501 into
318 the State Treasury to be credited to the General
319 Revenue Funds, was repealed by s. 2, ch. 2006-162,

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320 Laws of Florida, effective July 1, 2008. Since the
 321 subsection was not repealed by a "current session" of
 322 the Legislature, it may be omitted from the 2009
 323 Florida Statutes only through a reviser's bill duly
 324 enacted by the Legislature. See s. 11.242(5) (b) and
 325 (i).

326 Section 17. Section 561.501, Florida Statutes, is repealed.
 327 Reviser's note.—The cited section, which relates to a
 328 surcharge on sale of alcoholic beverages for
 329 consumption on the premises, was repealed by s. 7, ch.
 330 2006-162, Laws of Florida, effective July 1, 2008.
 331 Since the section was not repealed by a "current
 332 session" of the Legislature, it may be omitted from
 333 the 2009 Florida Statutes only through a reviser's
 334 bill duly enacted by the Legislature. See s.
 335 11.242(5) (b) and (i).

336 Section 18. Section 570.957, Florida Statutes, is repealed.
 337 Reviser's note.—The cited section, which establishes
 338 the Farm-to-Fuel Grants Program, expired pursuant to
 339 its own terms, effective July 1, 2008.

340 Section 19. Section 624.5107, Florida Statutes, is amended
 341 to read:

342 624.5107 Child care tax credits; ~~definitions;~~
 343 ~~authorization; limitations; eligibility and application~~
 344 ~~requirements; administration; expiration.—~~

345 ~~(1) DEFINITIONS. As used in this section:~~

346 ~~(a) "Child care facility startup costs" means expenditures~~
 347 ~~for substantial renovation, equipment, including playground~~
 348 ~~equipment and kitchen appliances and cooking equipment, real~~

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349 ~~property, including land and improvements, and for reduction of~~
350 ~~debt, made in connection with the establishment of a child care~~
351 ~~facility as defined by s. 402.302, or any facility providing~~
352 ~~daily care to children who are mildly ill, which is located in~~
353 ~~this state on the insurer's premises and used by the employees~~
354 ~~of the insurer.~~

355 ~~(b) "Operation of a child care facility" means operation of~~
356 ~~a child care facility as defined by s. 402.302, or any facility~~
357 ~~providing daily care to children who are mildly ill, which is~~
358 ~~located in this state within 5 miles of at least one place of~~
359 ~~business of the insurer and which is used by the employees of~~
360 ~~the insurer.~~

361 ~~(c) "Department" means the Department of Revenue.~~

362 ~~(d) "Executive director" means the executive director of~~
363 ~~the Department of Revenue.~~

364 ~~(2) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—~~

365 ~~(a)1. A credit of 50 percent of the startup costs of child~~
366 ~~care facilities operated by an insurer for its employees is~~
367 ~~allowed against any tax due for a taxable year under s. 624.509~~
368 ~~or s. 624.510. A credit against such tax is also allowed for the~~
369 ~~operation of a child care facility by an insurer for its~~
370 ~~employees, which credit is in the amount of \$50 per month for~~
371 ~~each child enrolled in the facility.~~

372 ~~2. A credit is allowed against any tax due for a taxable~~
373 ~~year under s. 624.509 or s. 624.510 for any insurer that makes~~
374 ~~payments directly to a child care facility as defined by s.~~
375 ~~402.302 which is licensed in accordance with s. 402.305, or to~~
376 ~~any facility providing daily care to children who are mildly~~
377 ~~ill, which payments are made in the name of and for the benefit~~

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378 ~~of an employee of the insurer in this state whose child attends~~
379 ~~the child care facility during the employee's working hours. The~~
380 ~~credit shall be an amount equal to 50 percent of the amount of~~
381 ~~such child care payments.~~

382 ~~(b) An insurer may not receive more than \$50,000 in annual~~
383 ~~tax credits for all approved child care costs that the insurer~~
384 ~~incurs in any one year.~~

385 ~~(c) The total amount of tax credits which may be granted~~
386 ~~for all programs approved under this section and s. 220.19 is \$2~~
387 ~~million annually.~~

388 ~~(d) An application for tax credit under this section must~~
389 ~~be approved by the executive director.~~

390 (1)~~(e)~~ If the credit granted under this section is not
391 fully used in any one year because of insufficient tax liability
392 on the part of the insurer, the unused amount may be carried
393 forward for a period not to exceed 5 years. The carryover credit
394 may be used in a subsequent year when the tax imposed by s.
395 624.509 or s. 624.510 for that year exceeds the credit for which
396 the insurer is eligible in that year under this section.

397 (2)~~(f)~~ If an insurer receives a credit for child care
398 facility startup costs, and the facility fails to operate for at
399 least 5 years, a pro rata share of the credit must be repaid, in
400 accordance with the formula: $A = C \times (1 - (N/60))$, where:

401 (a)~~1.~~ "A" is the amount in dollars of the required
402 repayment.

403 (b)~~2.~~ "C" is the total credits taken by the insurer for
404 child care facility startup costs.

405 (c)~~3.~~ "N" is the number of months the facility was in
406 operation.

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407
408 This repayment requirement is inapplicable if the insurer goes
409 out of business or can demonstrate to the department that its
410 employees no longer want to have a child care facility.

411 ~~(3) ELIGIBILITY REQUIREMENTS.—~~

412 ~~(a) A child care facility with respect to which an insurer~~
413 ~~claims a child care tax credit must be a child care facility as~~
414 ~~defined by s. 402.302 and must be licensed in accordance with s.~~
415 ~~402.305, or must be a facility providing daily care to children~~
416 ~~who are mildly ill.~~

417 ~~(b) The services of a child care facility for which an~~
418 ~~insurer claims a child care tax credit under subparagraph~~
419 ~~(2)(a)1. must be available to all employees of the insurer or~~
420 ~~must be allocated on a first-come, first-served basis, and must~~
421 ~~be used by employees of the insurer.~~

422 ~~(c) Child care payments for which an insurer claims a~~
423 ~~credit under subparagraph (2)(a)2. shall not exceed the amount~~
424 ~~charged by the child care facility to other children of like age~~
425 ~~and abilities of persons not employed by the insurer.~~

426 ~~(4) APPLICATION REQUIREMENTS. Any insurer that wishes to~~
427 ~~participate in this program must submit to the department an~~
428 ~~application for tax credit which sets forth the proposal for~~
429 ~~establishing a child care facility for the use of its employees~~
430 ~~or for payment of the cost of child care for its employees. This~~
431 ~~application must state the anticipated startup costs and the~~
432 ~~number of children to be enrolled, in the case of credit claimed~~
433 ~~under subparagraph (2)(a)1., or the number of children for whom~~
434 ~~child care costs will be paid, in the case of credit claimed~~
435 ~~under subparagraph (2)(a)2.~~

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436 ~~(5) ADMINISTRATION.—~~

437 ~~(a) The Department of Revenue may adopt all rules pursuant~~
438 ~~to the Administrative Procedure Act to administer this section,~~
439 ~~including rules for the approval or disapproval of proposals~~
440 ~~submitted by insurers and rules to provide for cooperative~~
441 ~~arrangements between for-profit and not-for-profit entities.~~

442 ~~(b) The executive director's decision to approve or~~
443 ~~disapprove a proposal must be in writing, and, if the proposal~~
444 ~~is approved, the decision must state the maximum credit~~
445 ~~allowable to the insurer.~~

446 ~~(c) All approvals for the granting of the tax credit~~
447 ~~require prior verification by the Department of Children and~~
448 ~~Family Services or local licensing agency that the insurer meets~~
449 ~~the licensure requirements as defined in s. 402.302 and is~~
450 ~~currently licensed in accordance with s. 402.305, or is a~~
451 ~~facility providing daily care to children who are mildly ill.~~

452 ~~(d) Verification of the child care provider as an approved~~
453 ~~facility must be in writing and must be attached to the credit~~
454 ~~application form submitted to the Department of Revenue.~~

455 ~~(6) EXPIRATION. This section expires on June 30, 2008,~~
456 ~~except that paragraph (2) (e), which relates to carryover~~
457 ~~credits, and paragraph (2) (f), which relates to repaying tax~~
458 ~~credits in specified circumstances, do not expire on that date.~~

459 Reviser's note.—Amended to conform to the expiration
460 of all of the section except paragraphs (2) (e) and (f)
461 by the terms of subsection (6), effective June 30,
462 2008.

463 Section 20. Section 626.97411, Florida Statutes, is
464 repealed.

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465 Reviser's note.—The cited section, which relates to a
466 public records exemption for credit scoring
467 methodologies and related information filed with the
468 Office of Insurance Regulation, is repealed to confirm
469 the October 2, 2008, repeal of an exemption in
470 accordance with s. 119.15, the Open Government Sunset
471 Review Act.

472 Section 21. Sections 921.0001, 921.001, 921.0011, 921.0012,
473 921.0013, 921.0014, 921.0015, 921.0016, and 921.005, Florida
474 Statutes, are repealed.

475 Reviser's note.—The cited sections, relating to
476 sentencing guidelines, were repealed by s. 1, ch. 97-
477 194, Laws of Florida, effective October 1, 1998. Since
478 the sections were not repealed by a "current session"
479 of the Legislature, they may be omitted from the 2009
480 Florida Statutes only through a reviser's bill duly
481 enacted by the Legislature. See s. 11.242(5)(b) and
482 (i). Section 43, ch. 97-194, directed the Division of
483 Statutory Revision to "leave the repealed statutory
484 provisions referenced herein in the Florida Statutes
485 for 10 years from October 1, 1998." Ten years have now
486 passed.

487 Section 22. Sections 985.803, 985.804, 985.805, 985.806,
488 and 985.807, Florida Statutes, are repealed.

489 Reviser's note.—The cited sections, which relate to
490 specific duties associated with the Interstate Compact
491 on Juveniles, were repealed "effective July 1, 2005,
492 or upon enactment of the compact into law by the 35th
493 compacting state, whichever date occurs later,"

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494 pursuant to s. 5, ch. 2005-80, Laws of Florida. The
495 replacement compact pursuant to ch. 2005-80, was
496 enacted by the 35th state, Illinois, on August 26,
497 2008.

498 Section 23. Subsection (10) of section 1006.20, Florida
499 Statutes, is repealed.

500 Reviser's note.—The cited subsection, which relates to
501 a random drug testing program for certain athletic
502 programs in public schools, is repealed to confirm the
503 October 2, 2008, repeal of an exemption in accordance
504 with s. 119.15, the Open Government Sunset Review Act.

505 Section 24. Section 1010.78, Florida Statutes, is repealed.

506 Reviser's note.—The cited section, which relates to
507 the Projects, Contracts, and Grants Trust Fund, was
508 repealed by s. 5, ch. 2007-19, Laws of Florida,
509 effective July 1, 2008. Since the section was not
510 repealed by a "current session" of the Legislature, it
511 may be omitted from the 2009 Florida Statutes only
512 through a reviser's bill duly enacted by the
513 Legislature. See s. 11.242(5)(b) and (i).

514 Section 25. Subsection (2) of section 775.0845, Florida
515 Statutes, is amended to read:

516 775.0845 Wearing mask while committing offense;
517 reclassification.—The felony or misdemeanor degree of any
518 criminal offense, other than a violation of ss. 876.12-876.15,
519 shall be reclassified to the next higher degree as provided in
520 this section if, while committing the offense, the offender was
521 wearing a hood, mask, or other device that concealed his or her
522 identity.

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523 (2) (a) In the case of a felony of the third degree, the
524 offense is reclassified to a felony of the second degree.

525 (b) In the case of a felony of the second degree, the
526 offense is reclassified to a felony of the first degree.

527

528 For purposes of sentencing under chapter 921 and determining
529 incentive gain-time eligibility under chapter 944, a felony
530 offense that is reclassified under this subsection is ranked one
531 level above the ranking under former s. 921.0012, former s.
532 921.0013, s. 921.0022, or s. 921.0023 of the offense committed.

533 Reviser's note.—Amended to conform to the repeal of
534 ss. 921.0012 and 921.0013 by s. 1, ch. 97-194, Laws of
535 Florida.

536 Section 26. This act shall take effect on the 60th day
537 after adjournment sine die of the session of the Legislature in
538 which enacted.