

By Senator Villalobos

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1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes; repealing ss.  
3           110.1099(1)(b), 112.061(16), 212.031(10), 215.559(8),  
4           220.183(1)(h), 253.01(3), 253.034(13), 287.057(14)(b),  
5           373.1961(5) and (6), 373.472(1)(b), 375.041(3)(b),  
6           379.201(3), 379.204(3), 379.206(3), 403.7095(8),  
7           403.890(3), 408.036(1)(g), 624.5105(6), 733.702(5),  
8           and 985.0395, F.S.; and amending ss. 212.031(1)(a),  
9           212.08(5)(p), and 380.06(19)(e); to delete provisions  
10          which have become inoperative by noncurrent repeal or  
11          expiration and, pursuant to s. 11.242(5)(b) and (i),  
12          may be omitted from the 2010 Florida Statutes only  
13          through a reviser's bill duly enacted by the  
14          Legislature; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Paragraph (b) of subsection (1) of section  
19 110.1099, Florida Statutes, is repealed.

20           Reviser's note.—The cited paragraph, which relates to  
21           state employees not being authorized to receive  
22           fundable tuition waivers on a space-available basis  
23           during the 2001-2002 fiscal year only, expired  
24           pursuant to its own terms, effective July 1, 2002.

25           Section 2. Subsection (16) of section 112.061, Florida  
26 Statutes, is repealed.

27           Reviser's note.—The cited subsection, which relates to  
28           travel reimbursement for Supreme Court justices,  
29           expired pursuant to its own terms, effective July 1,

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30 2009.

31 Section 3. Subsection (10) of section 212.031, Florida  
32 Statutes, is repealed, and paragraph (a) of subsection (1) of  
33 that section is amended to read:

34 212.031 Tax on rental or license fee for use of real  
35 property.—

36 (1)(a) It is declared to be the legislative intent that  
37 every person is exercising a taxable privilege who engages in  
38 the business of renting, leasing, letting, or granting a license  
39 for the use of any real property unless such property is:

40 1. Assessed as agricultural property under s. 193.461.

41 2. Used exclusively as dwelling units.

42 3. Property subject to tax on parking, docking, or storage  
43 spaces under s. 212.03(6).

44 4. Recreational property or the common elements of a  
45 condominium when subject to a lease between the developer or  
46 owner thereof and the condominium association in its own right  
47 or as agent for the owners of individual condominium units or  
48 the owners of individual condominium units. However, only the  
49 lease payments on such property shall be exempt from the tax  
50 imposed by this chapter, and any other use made by the owner or  
51 the condominium association shall be fully taxable under this  
52 chapter.

53 5. A public or private street or right-of-way and poles,  
54 conduits, fixtures, and similar improvements located on such  
55 streets or rights-of-way, occupied or used by a utility or  
56 provider of communications services, as defined by s. 202.11,  
57 for utility or communications or television purposes. For  
58 purposes of this subparagraph, the term "utility" means any

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59 person providing utility services as defined in s. 203.012. This  
60 exception also applies to property, wherever located, on which  
61 the following are placed: towers, antennas, cables, accessory  
62 structures, or equipment, not including switching equipment,  
63 used in the provision of mobile communications services as  
64 defined in s. 202.11. For purposes of this chapter, towers used  
65 in the provision of mobile communications services, as defined  
66 in s. 202.11, are considered to be fixtures.

67 6. A public street or road which is used for transportation  
68 purposes.

69 7. Property used at an airport exclusively for the purpose  
70 of aircraft landing or aircraft taxiing or property used by an  
71 airline for the purpose of loading or unloading passengers or  
72 property onto or from aircraft or for fueling aircraft.

73 8.a. Property used at a port authority, as defined in s.  
74 315.02(2), exclusively for the purpose of oceangoing vessels or  
75 tugs docking, or such vessels mooring on property used by a port  
76 authority for the purpose of loading or unloading passengers or  
77 cargo onto or from such a vessel, or property used at a port  
78 authority for fueling such vessels, or to the extent that the  
79 amount paid for the use of any property at the port is based on  
80 the charge for the amount of tonnage actually imported or  
81 exported through the port by a tenant.

82 b. The amount charged for the use of any property at the  
83 port in excess of the amount charged for tonnage actually  
84 imported or exported shall remain subject to tax except as  
85 provided in sub-subparagraph a.

86 9. Property used as an integral part of the performance of  
87 qualified production services. As used in this subparagraph, the

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88 term "qualified production services" means any activity or  
89 service performed directly in connection with the production of  
90 a qualified motion picture, as defined in s. 212.06(1)(b), and  
91 includes:

92 a. Photography, sound and recording, casting, location  
93 managing and scouting, shooting, creation of special and optical  
94 effects, animation, adaptation (language, media, electronic, or  
95 otherwise), technological modifications, computer graphics, set  
96 and stage support (such as electricians, lighting designers and  
97 operators, greensmen, prop managers and assistants, and grips),  
98 wardrobe (design, preparation, and management), hair and makeup  
99 (design, production, and application), performing (such as  
100 acting, dancing, and playing), designing and executing stunts,  
101 coaching, consulting, writing, scoring, composing,  
102 choreographing, script supervising, directing, producing,  
103 transmitting dailies, dubbing, mixing, editing, cutting,  
104 looping, printing, processing, duplicating, storing, and  
105 distributing;

106 b. The design, planning, engineering, construction,  
107 alteration, repair, and maintenance of real or personal property  
108 including stages, sets, props, models, paintings, and facilities  
109 principally required for the performance of those services  
110 listed in sub-subparagraph a.; and

111 c. Property management services directly related to  
112 property used in connection with the services described in sub-  
113 subparagraphs a. and b.

114  
115 This exemption will inure to the taxpayer upon presentation of  
116 the certificate of exemption issued to the taxpayer under the

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117 provisions of s. 288.1258.

118 10. Leased, subleased, licensed, or rented to a person  
119 providing food and drink concessionaire services within the  
120 premises of a convention hall, exhibition hall, auditorium,  
121 stadium, theater, arena, civic center, performing arts center,  
122 publicly owned recreational facility, or any business operated  
123 under a permit issued pursuant to chapter 550. A person  
124 providing retail concessionaire services involving the sale of  
125 food and drink or other tangible personal property within the  
126 premises of an airport shall be subject to tax on the rental of  
127 real property used for that purpose, but shall not be subject to  
128 the tax on any license to use the property. For purposes of this  
129 subparagraph, the term "sale" shall not include the leasing of  
130 tangible personal property.

131 11. Property occupied pursuant to an instrument calling for  
132 payments which the department has declared, in a Technical  
133 Assistance Advisement issued on or before March 15, 1993, to be  
134 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
135 Administrative Code; provided that this subparagraph shall only  
136 apply to property occupied by the same person before and after  
137 the execution of the subject instrument and only to those  
138 payments made pursuant to such instrument, exclusive of renewals  
139 and extensions thereof occurring after March 15, 1993.

140 ~~12. Rented, leased, subleased, or licensed to a~~  
141 ~~concessionaire by a convention hall, exhibition hall,~~  
142 ~~auditorium, stadium, theater, arena, civic center, performing~~  
143 ~~arts center, or publicly owned recreational facility, during an~~  
144 ~~event at the facility, to be used by the concessionaire to sell~~  
145 ~~souvenirs, novelties, or other event related products. This~~

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146 ~~subparagraph applies only to that portion of the rental, lease,~~  
147 ~~or license payment which is based on a percentage of sales and~~  
148 ~~not based on a fixed price. This subparagraph is repealed July~~  
149 ~~1, 2009.~~

150 12. ~~13.~~ Property used or occupied predominantly for space  
151 flight business purposes. As used in this subparagraph, "space  
152 flight business" means the manufacturing, processing, or  
153 assembly of a space facility, space propulsion system, space  
154 vehicle, satellite, or station of any kind possessing the  
155 capacity for space flight, as defined by s. 212.02(23), or  
156 components thereof, and also means the following activities  
157 supporting space flight: vehicle launch activities, flight  
158 operations, ground control or ground support, and all  
159 administrative activities directly related thereto. Property  
160 shall be deemed to be used or occupied predominantly for space  
161 flight business purposes if more than 50 percent of the  
162 property, or improvements thereon, is used for one or more space  
163 flight business purposes. Possession by a landlord, lessor, or  
164 licensor of a signed written statement from the tenant, lessee,  
165 or licensee claiming the exemption shall relieve the landlord,  
166 lessor, or licensor from the responsibility of collecting the  
167 tax, and the department shall look solely to the tenant, lessee,  
168 or licensee for recovery of such tax if it determines that the  
169 exemption was not applicable.

170 Reviser's note.—Amends paragraph (1)(a) to delete  
171 subparagraph 12., which provides an exemption from tax  
172 for the rental or licensure of property to a  
173 concessionaire by specified recreational facilities  
174 for sale of event-related products, which subparagraph

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175 was repealed pursuant to its own terms, effective July  
176 1, 2009. Repeals subsection (10), which provided for  
177 an exemption from tax for separately stated charges  
178 imposed by specified recreational facilities upon a  
179 lessee or licensee for food, drink, or services  
180 required or available in connection with a lease or  
181 license to use real property, including charges for  
182 event-related personnel, advertising, and credit card  
183 processing, which subsection was repealed by s. 2, ch.  
184 2006-101, Laws of Florida, effective July 1, 2009.  
185 Since the subsection was not repealed by a "current  
186 session" of the Legislature, it may be omitted from  
187 the 2010 Florida Statutes only through a reviser's  
188 bill duly enacted by the Legislature. See s.  
189 11.242(5) (b) and (i).

190 Section 4. Paragraph (p) of subsection (5) of section  
191 212.08, Florida Statutes, is amended to read:

192 212.08 Sales, rental, use, consumption, distribution, and  
193 storage tax; specified exemptions.—The sale at retail, the  
194 rental, the use, the consumption, the distribution, and the  
195 storage to be used or consumed in this state of the following  
196 are hereby specifically exempt from the tax imposed by this  
197 chapter.

198 (5) EXEMPTIONS; ACCOUNT OF USE.—

199 (p) *Community contribution tax credit for donations.*—

200 1. Authorization.—Persons who are registered with the  
201 department under s. 212.18 to collect or remit sales or use tax  
202 and who make donations to eligible sponsors are eligible for tax  
203 credits against their state sales and use tax liabilities as

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204 provided in this paragraph:

205 a. The credit shall be computed as 50 percent of the  
206 person's approved annual community contribution.

207 b. The credit shall be granted as a refund against state  
208 sales and use taxes reported on returns and remitted in the 12  
209 months preceding the date of application to the department for  
210 the credit as required in sub-subparagraph 3.c. If the annual  
211 credit is not fully used through such refund because of  
212 insufficient tax payments during the applicable 12-month period,  
213 the unused amount may be included in an application for a refund  
214 made pursuant to sub-subparagraph 3.c. in subsequent years  
215 against the total tax payments made for such year. Carryover  
216 credits may be applied for a 3-year period without regard to any  
217 time limitation that would otherwise apply under s. 215.26.

218 c. A person may not receive more than \$200,000 in annual  
219 tax credits for all approved community contributions made in any  
220 one year.

221 d. All proposals for the granting of the tax credit require  
222 the prior approval of the Office of Tourism, Trade, and Economic  
223 Development.

224 e. The total amount of tax credits which may be granted for  
225 all programs approved under this paragraph, s. 220.183, and s.  
226 624.5105 is \$10.5 million annually for projects that provide  
227 homeownership opportunities for low-income or very-low-income  
228 households as defined in s. 420.9071(19) and (28) and \$3.5  
229 million annually for all other projects.

230 f. A person who is eligible to receive the credit provided  
231 for in this paragraph, s. 220.183, or s. 624.5105 may receive  
232 the credit only under the one section of the person's choice.



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233 2. Eligibility requirements.-

234 a. A community contribution by a person must be in the  
235 following form:

236 (I) Cash or other liquid assets;

237 (II) Real property;

238 (III) Goods or inventory; or

239 (IV) Other physical resources as identified by the Office  
240 of Tourism, Trade, and Economic Development.

241 b. All community contributions must be reserved exclusively  
242 for use in a project. As used in this sub-subparagraph, the term  
243 "project" means any activity undertaken by an eligible sponsor  
244 which is designed to construct, improve, or substantially  
245 rehabilitate housing that is affordable to low-income or very-  
246 low-income households as defined in s. 420.9071(19) and (28);  
247 designed to provide commercial, industrial, or public resources  
248 and facilities; or designed to improve entrepreneurial and job-  
249 development opportunities for low-income persons. A project may  
250 be the investment necessary to increase access to high-speed  
251 broadband capability in rural communities with enterprise zones,  
252 including projects that result in improvements to communications  
253 assets that are owned by a business. A project may include the  
254 provision of museum educational programs and materials that are  
255 directly related to any project approved between January 1,  
256 1996, and December 31, 1999, and located in an enterprise zone  
257 designated pursuant to s. 290.0065. This paragraph does not  
258 preclude projects that propose to construct or rehabilitate  
259 housing for low-income or very-low-income households on  
260 scattered sites. With respect to housing, contributions may be  
261 used to pay the following eligible low-income and very-low-

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262 income housing-related activities:

263 (I) Project development impact and management fees for low-  
264 income or very-low-income housing projects;

265 (II) Down payment and closing costs for eligible persons,  
266 as defined in s. 420.9071(19) and (28);

267 (III) Administrative costs, including housing counseling  
268 and marketing fees, not to exceed 10 percent of the community  
269 contribution, directly related to low-income or very-low-income  
270 projects; and

271 (IV) Removal of liens recorded against residential property  
272 by municipal, county, or special district local governments when  
273 satisfaction of the lien is a necessary precedent to the  
274 transfer of the property to an eligible person, as defined in s.  
275 420.9071(19) and (28), for the purpose of promoting home  
276 ownership. Contributions for lien removal must be received from  
277 a nonrelated third party.

278 c. The project must be undertaken by an "eligible sponsor,"  
279 which includes:

280 (I) A community action program;

281 (II) A nonprofit community-based development organization  
282 whose mission is the provision of housing for low-income or  
283 very-low-income households or increasing entrepreneurial and  
284 job-development opportunities for low-income persons;

285 (III) A neighborhood housing services corporation;

286 (IV) A local housing authority created under chapter 421;

287 (V) A community redevelopment agency created under s.  
288 163.356;

289 (VI) The Florida Industrial Development Corporation;

290 (VII) A historic preservation district agency or

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291 organization;

292 (VIII) A regional workforce board;

293 (IX) A direct-support organization as provided in s.

294 1009.983;

295 (X) An enterprise zone development agency created under s.

296 290.0056;

297 (XI) A community-based organization incorporated under  
298 chapter 617 which is recognized as educational, charitable, or  
299 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
300 and whose bylaws and articles of incorporation include  
301 affordable housing, economic development, or community  
302 development as the primary mission of the corporation;

303 (XII) Units of local government;

304 (XIII) Units of state government; or

305 (XIV) Any other agency that the Office of Tourism, Trade,  
306 and Economic Development designates by rule.

307

308 In no event may a contributing person have a financial interest  
309 in the eligible sponsor.

310 d. The project must be located in an area designated an  
311 enterprise zone or a Front Porch Florida Community pursuant to  
312 s. 20.18(6), unless the project increases access to high-speed  
313 broadband capability for rural communities with enterprise zones  
314 but is physically located outside the designated rural zone  
315 boundaries. Any project designed to construct or rehabilitate  
316 housing for low-income or very-low-income households as defined  
317 in s. 420.9071(19) and (28) is exempt from the area requirement  
318 of this sub-subparagraph.

319 e.(I) If, during the first 10 business days of the state

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320 fiscal year, eligible tax credit applications for projects that  
321 provide homeownership opportunities for low-income or very-low-  
322 income households as defined in s. 420.9071(19) and (28) are  
323 received for less than the annual tax credits available for  
324 those projects, the Office of Tourism, Trade, and Economic  
325 Development shall grant tax credits for those applications and  
326 shall grant remaining tax credits on a first-come, first-served  
327 basis for any subsequent eligible applications received before  
328 the end of the state fiscal year. If, during the first 10  
329 business days of the state fiscal year, eligible tax credit  
330 applications for projects that provide homeownership  
331 opportunities for low-income or very-low-income households as  
332 defined in s. 420.9071(19) and (28) are received for more than  
333 the annual tax credits available for those projects, the office  
334 shall grant the tax credits for those applications as follows:

335 (A) If tax credit applications submitted for approved  
336 projects of an eligible sponsor do not exceed \$200,000 in total,  
337 the credits shall be granted in full if the tax credit  
338 applications are approved.

339 (B) If tax credit applications submitted for approved  
340 projects of an eligible sponsor exceed \$200,000 in total, the  
341 amount of tax credits granted pursuant to sub-sub-sub-  
342 subparagraph (A) shall be subtracted from the amount of  
343 available tax credits, and the remaining credits shall be  
344 granted to each approved tax credit application on a pro rata  
345 basis.

346 (II) If, during the first 10 business days of the state  
347 fiscal year, eligible tax credit applications for projects other  
348 than those that provide homeownership opportunities for low-

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349 income or very-low-income households as defined in s.  
350 420.9071(19) and (28) are received for less than the annual tax  
351 credits available for those projects, the office shall grant tax  
352 credits for those applications and shall grant remaining tax  
353 credits on a first-come, first-served basis for any subsequent  
354 eligible applications received before the end of the state  
355 fiscal year. If, during the first 10 business days of the state  
356 fiscal year, eligible tax credit applications for projects other  
357 than those that provide homeownership opportunities for low-  
358 income or very-low-income households as defined in s.  
359 420.9071(19) and (28) are received for more than the annual tax  
360 credits available for those projects, the office shall grant the  
361 tax credits for those applications on a pro rata basis.

362 3. Application requirements.-

363 a. Any eligible sponsor seeking to participate in this  
364 program must submit a proposal to the Office of Tourism, Trade,  
365 and Economic Development which sets forth the name of the  
366 sponsor, a description of the project, and the area in which the  
367 project is located, together with such supporting information as  
368 is prescribed by rule. The proposal must also contain a  
369 resolution from the local governmental unit in which the project  
370 is located certifying that the project is consistent with local  
371 plans and regulations.

372 b. Any person seeking to participate in this program must  
373 submit an application for tax credit to the office which sets  
374 forth the name of the sponsor, a description of the project, and  
375 the type, value, and purpose of the contribution. The sponsor  
376 shall verify the terms of the application and indicate its  
377 receipt of the contribution, which verification must be in

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378 writing and accompany the application for tax credit. The person  
379 must submit a separate tax credit application to the office for  
380 each individual contribution that it makes to each individual  
381 project.

382 c. Any person who has received notification from the office  
383 that a tax credit has been approved must apply to the department  
384 to receive the refund. Application must be made on the form  
385 prescribed for claiming refunds of sales and use taxes and be  
386 accompanied by a copy of the notification. A person may submit  
387 only one application for refund to the department within any 12-  
388 month period.

389 4. Administration.—

390 a. The Office of Tourism, Trade, and Economic Development  
391 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary  
392 to administer this paragraph, including rules for the approval  
393 or disapproval of proposals by a person.

394 b. The decision of the office must be in writing, and, if  
395 approved, the notification shall state the maximum credit  
396 allowable to the person. Upon approval, the office shall  
397 transmit a copy of the decision to the Department of Revenue.

398 c. The office shall periodically monitor all projects in a  
399 manner consistent with available resources to ensure that  
400 resources are used in accordance with this paragraph; however,  
401 each project must be reviewed at least once every 2 years.

402 d. The office shall, in consultation with the Department of  
403 Community Affairs and the statewide and regional housing and  
404 financial intermediaries, market the availability of the  
405 community contribution tax credit program to community-based  
406 organizations.

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407 ~~5. Notwithstanding sub-subparagraph 1.e., and for the 2008-~~  
408 ~~2009 fiscal year only, the total amount of tax credit which may~~  
409 ~~be granted for all programs approved under this section and ss.~~  
410 ~~220.183 and 624.5105 is \$13 million annually for projects that~~  
411 ~~provide homeownership opportunities for low-income or very-low-~~  
412 ~~income households as defined in s. 420.9071(19) and (28) and~~  
413 ~~\$3.5 million annually for all other projects. This subparagraph~~  
414 ~~expires June 30, 2009.~~

415 5. ~~6.~~ Expiration.—This paragraph expires June 30, 2015;  
416 however, any accrued credit carryover that is unused on that  
417 date may be used until the expiration of the 3-year carryover  
418 period for such credit.

419 Reviser's note.—Amends paragraph (5)(p) to delete  
420 subparagraph 5., which relates to a cap on the  
421 community contribution tax credit for donations  
422 amounts for projects providing homeownership  
423 opportunities for low-income and very-low-income  
424 households for the 2008-2009 fiscal year, which  
425 subparagraph expired pursuant to its own terms,  
426 effective June 30, 2009.

427 Section 5. Subsection (8) of section 215.559, Florida  
428 Statutes, is repealed.

429 Reviser's note.—The cited subsection, which provides  
430 for allocation of funds for the Hurricane Loss  
431 Mitigation Program for the 2008-2009 fiscal year only,  
432 expired pursuant to its own terms, effective July 1,  
433 2009.

434 Section 6. Paragraph (h) of subsection (1) of section  
435 220.183, Florida Statutes, is repealed.

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436 Reviser's note.—The cited paragraph, which relates to  
437 a cap on the community contribution tax credit amounts  
438 for projects providing homeownership opportunities for  
439 low-income and very-low-income households for the  
440 2008-2009 fiscal year, expired pursuant to its own  
441 terms, effective June 30, 2009.

442 Section 7. Subsection (3) of section 253.01, Florida  
443 Statutes, is repealed.

444 Reviser's note.—The cited subsection, which relates to  
445 use of Internal Improvement Trust Fund moneys for the  
446 2008-2009 fiscal year for grants and aids to local  
447 governments for the drinking water facility  
448 construction state revolving loan program, expired  
449 pursuant to its own terms, effective July 1, 2009.

450 Section 8. Subsection (13) of section 253.034, Florida  
451 Statutes, is repealed.

452 Reviser's note.—The cited subsection, which relates to  
453 deposit of funds from the sale of property by the  
454 Department of Highway Safety and Motor Vehicles  
455 located in Palm Beach County into the Highway Safety  
456 Operating Trust Fund to facilitate the exchange as  
457 provided in the General Appropriations Act, provided  
458 that at the conclusion of both exchanges the values  
459 are equalized, expired pursuant to its own terms,  
460 effective July 1, 2009.

461 Section 9. Paragraph (b) of subsection (14) of section  
462 287.057, Florida Statutes, is repealed.

463 Reviser's note.—The cited paragraph, which relates to  
464 authority of the Department of Health to enter into an



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465 agreement, not to exceed 20 years, with a private  
466 contractor to finance, design, and construct a  
467 hospital, of no more than 50 beds, for the treatment  
468 of patients with active tuberculosis and to operate  
469 all aspects of daily operations within the facility,  
470 expired pursuant to its own terms, effective July 1,  
471 2009.

472 Section 10. Subsections (5) and (6) of section 373.1961,  
473 Florida Statutes, are repealed.

474 Reviser's note.—Subsection (5), relating to  
475 distribution of funds for an alternative water supply  
476 for the 2008-2009 fiscal year only in the state water  
477 resource plan, expired pursuant to its own terms,  
478 effective July 1, 2009. Subsection (6), relating to  
479 funds remaining to be distributed after the  
480 distribution in subsection (5), for the 2008-2009  
481 fiscal year only, has served its purpose.

482 Section 11. Paragraph (b) of subsection (1) of section  
483 373.472, Florida Statutes, is repealed.

484 Reviser's note.—The cited paragraph, which provides  
485 that the uses and purposes of the Save Our Everglades  
486 Trust Fund specified in paragraph (1)(a) are  
487 inapplicable for the 2008-2009 fiscal year, expired  
488 pursuant to its own terms, effective July 1, 2009.

489 Section 12. Paragraph (b) of subsection (3) of section  
490 375.041, Florida Statutes, is repealed.

491 Reviser's note.—The cited paragraph, which relates to  
492 transfer of moneys in the Land Acquisition Trust Fund  
493 to the Ecosystem Management and Restoration Trust Fund

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494 for grants and aids to local governments for water  
495 projects as provided in the General Appropriations Act  
496 for the 2008-2009 fiscal year, expired pursuant to its  
497 own terms, effective July 1, 2009.

498 Section 13. Subsection (3) of section 379.201, Florida  
499 Statutes, is repealed.

500 Reviser's note.—The cited subsection, which relates to  
501 termination of the Administrative Trust Fund within  
502 the Fish and Wildlife Conservation Commission, was  
503 repealed by s. 2, ch. 2008-21, Laws of Florida,  
504 effective July 1, 2009. Since the subsection was not  
505 repealed by a "current session" of the Legislature, it  
506 may be omitted from the 2010 Florida Statutes only  
507 through a reviser's bill duly enacted by the  
508 Legislature. See s. 11.242(5)(b) and (i).

509 Section 14. Subsection (3) of section 379.204, Florida  
510 Statutes, is repealed.

511 Reviser's note.—The cited subsection, which relates to  
512 termination of the Federal Grants Trust Fund within  
513 the Fish and Wildlife Conservation Commission, was  
514 repealed by s. 2, ch. 2008-22, Laws of Florida,  
515 effective July 1, 2009. Since the subsection was not  
516 repealed by a "current session" of the Legislature, it  
517 may be omitted from the 2010 Florida Statutes only  
518 through a reviser's bill duly enacted by the  
519 Legislature. See s. 11.242(5)(b) and (i).

520 Section 15. Subsection (3) of section 379.206, Florida  
521 Statutes, is repealed.

522 Reviser's note.—The cited subsection, which relates to

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523 termination of the Grants and Donations Trust Fund  
524 within the Fish and Wildlife Conservation Commission,  
525 was repealed by s. 2, ch. 2008-23, Laws of Florida,  
526 effective July 1, 2009. Since the subsection was not  
527 repealed by a "current session" of the Legislature, it  
528 may be omitted from the 2010 Florida Statutes only  
529 through a reviser's bill duly enacted by the  
530 Legislature. See s. 11.242(5)(b) and (i).

531 Section 16. Paragraph (e) of subsection (19) of section  
532 380.06, Florida Statutes, is amended to read:

533 380.06 Developments of regional impact.—

534 (19) SUBSTANTIAL DEVIATIONS.—

535 (e)1. Except for a development order rendered pursuant to  
536 subsection (22) or subsection (25), a proposed change to a  
537 development order that individually or cumulatively with any  
538 previous change is less than any numerical criterion contained  
539 in subparagraphs (b)1.-13. and does not exceed any other  
540 criterion, or that involves an extension of the buildout date of  
541 a development, or any phase thereof, of less than 5 years is not  
542 subject to the public hearing requirements of subparagraph  
543 (f)3., and is not subject to a determination pursuant to  
544 subparagraph (f)5. Notice of the proposed change shall be made  
545 to the regional planning council and the state land planning  
546 agency. Such notice shall include a description of previous  
547 individual changes made to the development, including changes  
548 previously approved by the local government, and shall include  
549 appropriate amendments to the development order.

550 2. The following changes, individually or cumulatively with  
551 any previous changes, are not substantial deviations:

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552 a. Changes in the name of the project, developer, owner, or  
553 monitoring official.

554 b. Changes to a setback that do not affect noise buffers,  
555 environmental protection or mitigation areas, or archaeological  
556 or historical resources.

557 c. Changes to minimum lot sizes.

558 d. Changes in the configuration of internal roads that do  
559 not affect external access points.

560 e. Changes to the building design or orientation that stay  
561 approximately within the approved area designated for such  
562 building and parking lot, and which do not affect historical  
563 buildings designated as significant by the Division of  
564 Historical Resources of the Department of State.

565 f. Changes to increase the acreage in the development,  
566 provided that no development is proposed on the acreage to be  
567 added.

568 g. Changes to eliminate an approved land use, provided that  
569 there are no additional regional impacts.

570 h. Changes required to conform to permits approved by any  
571 federal, state, or regional permitting agency, provided that  
572 these changes do not create additional regional impacts.

573 i. Any renovation or redevelopment of development within a  
574 previously approved development of regional impact which does  
575 not change land use or increase density or intensity of use.

576 j. Changes that modify boundaries and configuration of  
577 areas described in subparagraph (b)14. due to science-based  
578 refinement of such areas by survey, by habitat evaluation, by  
579 other recognized assessment methodology, or by an environmental  
580 assessment. In order for changes to qualify under this sub-

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581 subparagraph, the survey, habitat evaluation, or assessment must  
582 occur prior to the time a conservation easement protecting such  
583 lands is recorded and must not result in any net decrease in the  
584 total acreage of the lands specifically set aside for permanent  
585 preservation in the final development order.

586 ~~k. Changes to permit the sale of an affordable housing unit~~  
587 ~~to a person who earns less than 120 percent of the area median~~  
588 ~~income, provided the developer actively markets the unit for a~~  
589 ~~minimum period of 6 months, is unable to close a sale to a~~  
590 ~~qualified buyer in a lower income qualified income class, a~~  
591 ~~certificate of occupancy is issued for the unit, and the~~  
592 ~~developer proposes to sell the unit to a person who earns less~~  
593 ~~than 120 percent of the area median income at a purchase price~~  
594 ~~that is no greater than the purchase price at which the unit was~~  
595 ~~originally marketed to a lower income qualified class. This~~  
596 ~~provision may not be applied to residential units approved~~  
597 ~~pursuant to subparagraph (b)7. or paragraph (i), and shall~~  
598 ~~expire on July 1, 2009.~~

599 k. 1. Any other change which the state land planning  
600 agency, in consultation with the regional planning council,  
601 agrees in writing is similar in nature, impact, or character to  
602 the changes enumerated in sub-subparagraphs a.-j. and which does  
603 not create the likelihood of any additional regional impact.

604  
605 This subsection does not require the filing of a notice of  
606 proposed change but shall require an application to the local  
607 government to amend the development order in accordance with the  
608 local government's procedures for amendment of a development  
609 order. In accordance with the local government's procedures,

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610 including requirements for notice to the applicant and the  
611 public, the local government shall either deny the application  
612 for amendment or adopt an amendment to the development order  
613 which approves the application with or without conditions.  
614 Following adoption, the local government shall render to the  
615 state land planning agency the amendment to the development  
616 order. The state land planning agency may appeal, pursuant to s.  
617 380.07(3), the amendment to the development order if the  
618 amendment involves sub-subparagraph g., sub-subparagraph h.,  
619 sub-subparagraph j., or sub-subparagraph k., ~~or sub-subparagraph~~  
620 ~~l.~~, and it believes the change creates a reasonable likelihood  
621 of new or additional regional impacts.

622 3. Except for the change authorized by sub-subparagraph  
623 2.f., any addition of land not previously reviewed or any change  
624 not specified in paragraph (b) or paragraph (c) shall be  
625 presumed to create a substantial deviation. This presumption may  
626 be rebutted by clear and convincing evidence.

627 4. Any submittal of a proposed change to a previously  
628 approved development shall include a description of individual  
629 changes previously made to the development, including changes  
630 previously approved by the local government. The local  
631 government shall consider the previous and current proposed  
632 changes in deciding whether such changes cumulatively constitute  
633 a substantial deviation requiring further development-of-  
634 regional-impact review.

635 5. The following changes to an approved development of  
636 regional impact shall be presumed to create a substantial  
637 deviation. Such presumption may be rebutted by clear and  
638 convincing evidence.

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639 a. A change proposed for 15 percent or more of the acreage  
640 to a land use not previously approved in the development order.  
641 Changes of less than 15 percent shall be presumed not to create  
642 a substantial deviation.

643 b. Notwithstanding any provision of paragraph (b) to the  
644 contrary, a proposed change consisting of simultaneous increases  
645 and decreases of at least two of the uses within an authorized  
646 multiuse development of regional impact which was originally  
647 approved with three or more uses specified in s. 380.0651(3)(c),  
648 (d), (e), and (f) and residential use.

649 Reviser's note.—Amends paragraph (19)(e) to delete  
650 sub-subparagraph 2.k., which provided that changes to  
651 permit certain sales of affordable housing units are  
652 not substantial deviations from development orders,  
653 which sub-subparagraph expired pursuant to its own  
654 terms, effective July 1, 2009.

655 Section 17. Subsection (8) of section 403.7095, Florida  
656 Statutes, is repealed.

657 Reviser's note.—The cited subsection, which authorizes  
658 the Department of Environmental Protection, for the  
659 2008-2009 fiscal year only, to award specified funds  
660 to counties having populations of fewer than 100,000  
661 for waste tire and litter prevention, recycling  
662 education, and general solid waste programs and for  
663 the Innovative Grant Program, expired pursuant to its  
664 own terms, effective July 1, 2009.

665 Section 18. Subsection (3) of section 403.890, Florida  
666 Statutes, is repealed.

667 Reviser's note.—The cited subsection, which relates to

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668 transfer of moneys in the Water Protection and  
669 Sustainability Program Trust Fund to the Ecosystem  
670 Management and Restoration Trust Fund for grants and  
671 aids to local governments for water projects as  
672 provided in the General Appropriations Act, for the  
673 2008-2009 fiscal year only, expired pursuant to its  
674 own terms, effective July 1, 2009.

675 Section 19. Paragraph (g) of subsection (1) of section  
676 408.036, Florida Statutes, is repealed.

677 Reviser's note.—The cited paragraph, which requires  
678 review of an increase in the number of beds for acute  
679 care in a hospital that is located in a low-growth  
680 county, was repealed pursuant to its own terms,  
681 effective July 1, 2009.

682 Section 20. Subsection (6) of section 624.5105, Florida  
683 Statutes, is repealed.

684 Reviser's note.—The cited subsection, which relates to  
685 a cap on the community contribution tax credit amount  
686 for projects providing homeownership opportunities for  
687 low-income and very-low-income households for the  
688 2008-2009 fiscal year, expired pursuant to its own  
689 terms, effective June 30, 2009.

690 Section 21. Subsection (5) of section 733.702, Florida  
691 Statutes, is repealed.

692 Reviser's note.—The cited subsection, which authorizes  
693 the Department of Revenue to file a claim against the  
694 estate of a decedent for taxes due under chapter 199  
695 after the expiration of the time for filing claims  
696 provided in subsection (1), if the department files



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697 its claim within 30 days after the service of the  
698 inventory, was repealed by s. 26, ch. 2006-312, Laws  
699 of Florida, effective January 1, 2009. Since the  
700 subsection was not repealed by a "current session" of  
701 the Legislature, it may be omitted from the 2010  
702 Florida Statutes only through a reviser's bill duly  
703 enacted by the Legislature. See s. 11.242(5)(b) and  
704 (i).

705 Section 22. Section 985.0395, Florida Statutes, is  
706 repealed.

707 Reviser's note.—The cited section, which created the  
708 cost of supervision and care waiver pilot program in  
709 the Fourth and Eleventh Judicial Circuits, was  
710 repealed pursuant to its own terms, effective October  
711 1, 2009.

712 Section 23. This act shall take effect on the 60th day  
713 after adjournment sine die of the session of the Legislature in  
714 which enacted.