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1
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19 110.1099, Florida Statutes, is repealed.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26 Statutes, is repealed.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32 Statutes, is repealed, and paragraph (a) of subsection (1) of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.