

BILL

Redraft - A

YEAR

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

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Paragraph (b) of subsection (4) of section  
 24           110.1245, Florida Statutes, is repealed.

25           Reviser's note.--The cited paragraph, which relates to  
 26           use of funds for cash awards to state employees for  
 27           the 2007-2008 fiscal year only, was repealed by its  
 28           own terms, effective July 1, 2008.

BILL

Redraft - A

YEAR

29           Section 2. Subsection (6) of section 185.085, Florida  
 30 Statutes, is repealed.

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

35           Section 3. Subsection (4) of section 215.96, Florida  
 36 Statutes, is repealed.

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

50           Section 4. Paragraphs (c), (d), and (e) of subsection (3)  
 51 and paragraph (b) of subsection (5) of section 216.292, Florida  
 52 Statutes, are repealed.

53           Reviser's note.--The cited paragraphs, which relate to  
 54 transfer of appropriations for operations relating to  
 55 criminal conflict and civil regional counsel budget  
 56 entities and between such entities and the child

BILL

Redraft - A

YEAR

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

65 | Section 5. Section 220.19, Florida Statutes, is amended to  
 66 | read:

67 | 220.19 Child care tax credits.--

68 | ~~(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.~~

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

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

BILL

Redraft - A

YEAR

85 ~~such child care payments.~~

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

89 ~~(c) The total amount of tax credits which may be granted~~  
 90 ~~for all programs approved under this section and s. 624.5107 is~~  
 91 ~~\$2 million annually.~~

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

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

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

107 (a)1. "A" is the amount in dollars of the required  
 108 repayment.

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

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

BILL

Redraft - A

YEAR

113

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

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

120 ~~(h) A taxpayer that is eligible to receive credit under s.~~  
 121 ~~624.5107 is ineligible to receive credit under this section.~~

122 ~~(2) ELIGIBILITY REQUIREMENTS.--~~

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

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

133 ~~(c) Two or more corporations may join together to start~~  
 134 ~~and to operate a child care facility according to the provisions~~  
 135 ~~of this section. If two or more corporations choose to jointly~~  
 136 ~~operate a child care facility, or cause a not-for-profit~~  
 137 ~~corporation to operate the child care facility, the corporations~~  
 138 ~~must file a joint application or the not-for-profit corporation~~  
 139 ~~may file the application with the department, pursuant to~~  
 140 ~~subsection (3), setting forth their proposal. The participating~~

BILL

Redraft - A

YEAR

141 ~~corporations may proportion the annual child care costs credits~~  
 142 ~~in any manner they choose as appropriate, but no jointly~~  
 143 ~~operated corporate child care facility established under this~~  
 144 ~~section may receive more than \$50,000 in annual tax credits for~~  
 145 ~~all approved child care costs that the participating~~  
 146 ~~corporations incur in any one year.~~

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

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

161 ~~(4) ADMINISTRATION.—~~

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

167 ~~(b) The executive director's decision to approve or~~  
 168 ~~disapprove a proposal must be in writing, and, if the proposal~~

BILL

Redraft - A

YEAR

169 ~~is approved, the decision must state the maximum credit~~  
 170 ~~allowable to the corporation.~~

171 ~~(c) All approvals for the granting of the tax credit~~  
 172 ~~require prior verification by the Department of Children and~~  
 173 ~~Family Services or local licensing agency that the corporation~~  
 174 ~~meets the licensure requirements as defined in s. 402.302 and is~~  
 175 ~~currently licensed in accordance with s. 402.305, or is a~~  
 176 ~~facility providing daily care to children who are mildly ill.~~

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

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

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

189 Reviser's note.--Amended to conform to the expiration  
 190 of all of the section except paragraphs (1) (e) and (f)  
 191 by the terms of subsection (5), effective June 30,  
 192 2008.

193 Section 6. Subsection (17) of section 253.03, Florida  
 194 Statutes, is repealed.

195 Reviser's note.--The cited subsection, which relates  
 196 to lease of the South Florida Evaluation and Treatment

BILL

Redraft - A

YEAR

197 Center complex in Miami-Dade County for the 2007-2008  
 198 fiscal year only, expired pursuant to its own terms,  
 199 effective July 1, 2008.

200 Section 7. Subparagraph 2. of paragraph (f) of subsection  
 201 (6) of section 253.034, Florida Statutes, is repealed.

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

207 Section 8. Paragraph (d) of subsection (1) of section  
 208 320.08058, Florida Statutes, is repealed.

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

215 Section 9. Subsection (2) of section 322.025, Florida  
 216 Statutes, is repealed.

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

222 Section 10. Subsection (5) of section 403.890, Florida  
 223 Statutes, is repealed.

224 Reviser's note.--The cited subsection, which



BILL

Redraft - A

YEAR

225 | authorizes transfer of interest earnings accumulated  
 226 | in the Water Protection and Sustainability Program  
 227 | Trust Fund to the Ecosystem Management and Restoration  
 228 | Trust Fund for grants and aids to local governments  
 229 | for certain water projects, expired pursuant to its  
 230 | own terms, effective July 1, 2008.

231 | Section 11. Paragraph (m) of subsection (3) of section  
 232 | 408.036, Florida Statutes, is repealed.

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

239 | Section 12. Subsection (2) of section 420.5087, Florida  
 240 | Statutes, is amended to read:

241 | 420.5087 State Apartment Incentive Loan Program.--There is  
 242 | hereby created the State Apartment Incentive Loan Program for  
 243 | the purpose of providing first, second, or other subordinated  
 244 | mortgage loans or loan guarantees to sponsors, including for-  
 245 | profit, nonprofit, and public entities, to provide housing  
 246 | affordable to very-low-income persons.

247 | (2) The corporation shall have the power to underwrite and  
 248 | make state apartment incentive loans or loan guarantees to  
 249 | sponsors, provided:

250 | (a) The sponsor uses tax-exempt financing for the first  
 251 | mortgage and at least 20 percent of the units in the project are  
 252 | set aside for persons or families who have incomes which meet

BILL

Redraft - A

YEAR

253 | the income eligibility requirements of s. 8 of the United States  
 254 | Housing Act of 1937, as amended;

255 |       (b) The sponsor uses taxable financing for the first  
 256 | mortgage and at least 20 percent of the units in the project are  
 257 | set aside for persons or families who have incomes below 50  
 258 | percent of the state or local median income, whichever is  
 259 | higher, which shall be adjusted by the corporation for family  
 260 | size; or

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

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

274 |  
 275 | This subsection does not prohibit a tenant from qualifying under  
 276 | the income eligibility criteria of paragraph (a), paragraph (b),  
 277 | or paragraph (c), ~~or paragraph (d)~~ due to the tenant's  
 278 | participation in a job training program approved by the  
 279 | corporation. Compliance with the provisions of this subsection  
 280 | must be contractually provided for the term of the loan or 12

BILL

Redraft - A

YEAR

281 | years, whichever is longer; however, this subsection does not  
 282 | apply to loans made to housing communities for the elderly to  
 283 | provide for lifesafety, building preservation, health,  
 284 | sanitation, or security-related repairs or improvements. Such  
 285 | loans shall be subject to tenant income criteria established by  
 286 | corporation rule.

287 |       Reviser's note.--Amended to conform to the expiration  
 288 |       of paragraph (d), which relates to projects in areas  
 289 |       of critical state concern under the State Apartment  
 290 |       Incentive Loan Program, pursuant to its own terms,  
 291 |       effective July 1, 2008.

292 |       Section 13. Paragraphs (b) and (c) of subsection (2) of  
 293 | section 475.278, Florida Statutes, are repealed.

294 |       Reviser's note.--The cited paragraphs, which relate to  
 295 |       disclosure requirements and contents of disclosure for  
 296 |       transaction brokers, expired pursuant to their own  
 297 |       terms, effective July 1, 2008.

298 |       Section 14. Subsection (1) of section 487.041, Florida  
 299 | Statutes, is repealed.

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

305 |       Section 15. Subsection (8) of section 509.302, Florida  
 306 | Statutes, is repealed.

307 |       Reviser's note.--The cited subsection, which  
 308 |       authorizes use of revenue from administrative fines to

BILL

Redraft - A

YEAR

309 support the Hospitality Education Program, expired  
 310 pursuant to its own terms, effective July 1, 2008.

311 Section 16. Subsection (4) of section 561.121, Florida  
 312 Statutes, is repealed.

313 Reviser's note.--The cited subsection, which relates  
 314 to payment of funds collected pursuant to s. 561.501  
 315 into the State Treasury to be credited to the General  
 316 Revenue Funds, was repealed by s. 2, ch. 2006-162,  
 317 Laws of Florida, effective July 1, 2008. Since the  
 318 subsection was not repealed by a "current session" of  
 319 the Legislature, it may be omitted from the 2009  
 320 Florida Statutes only through a reviser's bill duly  
 321 enacted by the Legislature. See s. 11.242(5)(b) and  
 322 (i).

323 Section 17. Section 561.501, Florida Statutes, is  
 324 repealed.

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

334 Section 18. Section 570.957, Florida Statutes, is  
 335 repealed.

336 Reviser's note.--The cited section, which establishes

BILL

Redraft - A

YEAR

337 the Farm-to-Fuel Grants Program, expired pursuant to  
 338 its own terms, effective July 1, 2008.

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

341 624.5107 Child care tax credits; ~~definitions;~~  
 342 ~~authorization; limitations; eligibility and application~~  
 343 ~~requirements; administration; expiration.--~~

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

345 ~~(a) "Child care facility startup costs" means expenditures~~  
 346 ~~for substantial renovation, equipment, including playground~~  
 347 ~~equipment and kitchen appliances and cooking equipment, real~~  
 348 ~~property, including land and improvements, and for reduction of~~  
 349 ~~debt, made in connection with the establishment of a child care~~  
 350 ~~facility as defined by s. 402.302, or any facility providing~~  
 351 ~~daily care to children who are mildly ill, which is located in~~  
 352 ~~this state on the insurer's premises and used by the employees~~  
 353 ~~of the insurer.~~

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

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

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

363 ~~(2) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--~~

364 ~~(a)1. A credit of 50 percent of the startup costs of child~~

BILL

Redraft - A

YEAR

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

371 ~~2. A credit is allowed against any tax due for a taxable~~  
 372 ~~year under s. 624.509 or s. 624.510 for any insurer that makes~~  
 373 ~~payments directly to a child care facility as defined by s.~~  
 374 ~~402.302 which is licensed in accordance with s. 402.305, or to~~  
 375 ~~any facility providing daily care to children who are mildly~~  
 376 ~~ill, which payments are made in the name of and for the benefit~~  
 377 ~~of an employee of the insurer in this state whose child attends~~  
 378 ~~the child care facility during the employee's working hours. The~~  
 379 ~~credit shall be an amount equal to 50 percent of the amount of~~  
 380 ~~such child care payments.~~

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

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

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

389 ~~(1)(e)~~ If the credit granted under this section is not  
 390 fully used in any one year because of insufficient tax liability  
 391 on the part of the insurer, the unused amount may be carried  
 392 forward for a period not to exceed 5 years. The carryover credit

BILL

Redraft - A

YEAR

393 | may be used in a subsequent year when the tax imposed by s.  
 394 | 624.509 or s. 624.510 for that year exceeds the credit for which  
 395 | the insurer is eligible in that year under this section.

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

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

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

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

406 |  
 407 | This repayment requirement is inapplicable if the insurer goes  
 408 | out of business or can demonstrate to the department that its  
 409 | employees no longer want to have a child care facility.

410 |     ~~(3) ELIGIBILITY REQUIREMENTS.~~

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

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

BILL

Redraft - A

YEAR

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

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

435 ~~(5) ADMINISTRATION. --~~

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

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

445 ~~(c) All approvals for the granting of the tax credit~~  
 446 ~~require prior verification by the Department of Children and~~  
 447 ~~Family Services or local licensing agency that the insurer meets~~  
 448 ~~the licensure requirements as defined in s. 402.302 and is~~



BILL

Redraft - A

YEAR

449 ~~currently licensed in accordance with s. 402.305, or is a~~  
 450 ~~facility providing daily care to children who are mildly ill.~~

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

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

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

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

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

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

474 Reviser's note.--The cited sections, relating to  
 475 sentencing guidelines, were repealed by s. 1, ch. 97-  
 476 194, Laws of Florida, effective October 1, 1998. Since

BILL

Redraft - A

YEAR

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

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

488 Reviser's note.--The cited sections, which relate to  
 489 specific duties associated with the Interstate Compact  
 490 on Juveniles, were repealed "effective July 1, 2005,  
 491 or upon enactment of the compact into law by the 35<sup>th</sup>  
 492 compacting state, whichever date occurs later,"  
 493 pursuant to s. 5, ch. 2005-80, Laws of Florida. The  
 494 replacement compact pursuant to ch. 2005-80, was  
 495 enacted by the 35<sup>th</sup> state, Illinois, on August 26,  
 496 2008.

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

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

504 Section 24. Section 1010.78, Florida Statutes, is

BILL

Redraft - A

YEAR

505 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.

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.

BILL

Redraft - A

YEAR

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.