

By Senator Simmons

10-01717-16

20161040

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; repealing ss.
3 15.0525, 29.008(4)(c), 255.25001(3), 339.135(4)(j) and
4 (5)(c), 373.4137(3)(f), 379.204(3), 403.7095(5),
5 409.997(2), 527.06(3)(b) as created by section 1 of
6 chapter 2011-106, Laws of Florida, 553.844(4),
7 627.410(9), 627.411(4), 627.648, 627.6482, 627.6484,
8 627.6486, 627.6488, 627.6489, 627.649, 627.6492,
9 627.6494, 627.6496, 627.6498, 627.6499, 641.31(3)(f),
10 and 1003.438, F.S., and amending ss. 409.997, 1011.62
11 as amended by section 9 of chapter 2015-222, Laws of
12 Florida, and 1013.64, F.S., to delete provisions which
13 have become inoperative by noncurrent repeal or
14 expiration and, pursuant to s. 11.242(5)(b) and (i),
15 F.S., may be omitted from the 2016 Florida Statutes
16 only through a reviser's bill duly enacted by the
17 Legislature; amending ss. 465.1862, 627.601, 627.6699,
18 627.66997, and 1002.20, F.S., to conform cross-
19 references; providing an effective date.

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

22
23 Section 1. Section 15.0525, Florida Statutes, is repealed.
24 Reviser's note.—The cited section, which relates to the Admiral
25 John H. Fetterman State of Florida Maritime Museum and
26 Research Center, expired pursuant to its own terms,
27 effective July 1, 2015.
28 Section 2. Paragraph (c) of subsection (4) of section
29 29.008, Florida Statutes, is repealed.

10-01717-16

20161040

30 Reviser's note.—The cited paragraph, which exempts counties from
31 the requirements and provisions of s. 29.008(4)(a) for the
32 2014-2015 fiscal year, expired pursuant to its own terms,
33 effective July 1, 2015.

34 Section 3. Subsection (3) of section 255.25001, Florida
35 Statutes, is repealed.

36 Reviser's note.—The cited subsection, which provides for deposit
37 of funds from the sale of property located in Sanford,
38 Florida, by the Department of Agriculture and Consumer
39 Services to the Market Improvements Working Capital Trust
40 Fund, expired pursuant to its own terms, effective July 1,
41 2015.

42 Section 4. Paragraph (j) of subsection (4) and paragraph
43 (c) of subsection (5) of section 339.135, Florida Statutes, are
44 repealed.

45 Reviser's note.—The cited paragraphs, which relate to Department
46 of Transportation use, for the 2014-2015 fiscal year only,
47 of up to \$15 million of appropriated funds to pay the costs
48 of strategic and regionally significant transportation
49 projects, expired pursuant to their own terms, effective
50 July 1, 2015.

51 Section 5. Paragraph (f) of subsection (3) of section
52 373.4137, Florida Statutes, is repealed.

53 Reviser's note.—The cited paragraph requires funds identified in
54 the Department of Transportation's work program or
55 participating transportation authorities' escrow accounts
56 to correspond to a cost per acre of \$75,000 multiplied by
57 the projected acres of impact as identified in the
58 environmental impact inventory for purposes of preparing

10-01717-16

20161040

59 and implementing the mitigation plans to be adopted by the
60 water management districts on or before March 1, 2014, for
61 impacts based on the July 1, 2013, environmental impact
62 inventory, and for adjustment to a specified percentage
63 change in the average of the Consumer Price Index. Payment
64 under this paragraph is limited to mitigation activities
65 that are identified in the first year of the 2013
66 mitigation plan and for which the transportation project is
67 permitted and are in the department's adopted work program,
68 or equivalent for a transportation authority. When
69 implementing the mitigation activities necessary to offset
70 the permitted impacts as provided in the approved
71 mitigation plan, the water management district shall
72 maintain specified records of the costs incurred in
73 implementing the mitigation. To the extent moneys paid to a
74 water management district by the department or a
75 participating transportation authority are greater than the
76 amount spent by the water management districts in
77 implementing the mitigation to offset the permitted
78 impacts, these funds must be refunded to the department or
79 participating transportation authority. This paragraph
80 expired pursuant to its own terms, effective June 30, 2015.
81 Section 6. Subsection (3) of section 379.204, Florida

82 Statutes, is repealed.

83 Reviser's note.—The cited subsection, which authorizes transfer
84 of the cash balance originating from hunting and fishing
85 license fees from other trust funds into the Federal Grants
86 Trust Fund for the purpose of supporting cash flow needs,
87 expired pursuant to its own terms, effective July 1, 2012.

10-01717-16

20161040

88 Section 7. Subsection (5) of section 403.7095, Florida
89 Statutes, is repealed.

90 Reviser's note.—The cited subsection, which requires the
91 Department of Environmental Protection, for the 2014-2015
92 fiscal year only, to award the sum of \$3 million in grants
93 equally to counties having populations of fewer than
94 100,000 for waste tire and litter prevention, recycling
95 education, and general solid waste programs, expired
96 pursuant to its own terms, effective July 1, 2015.

97 Section 8. Subsection (2) of section 409.997, Florida
98 Statutes, is repealed, and subsection (4) of that section is
99 amended to read:

100 409.997 Child welfare results-oriented accountability
101 program.—

102 ~~(3) (4) Subject to a specific appropriation to implement the~~
103 ~~accountability program developed under subsection (2),~~ The
104 department shall establish a technical advisory panel consisting
105 of representatives from the Florida Institute for Child Welfare
106 established pursuant to s. 1004.615, lead agencies, community-
107 based care providers, other contract providers, community
108 alliances, and family representatives. The President of the
109 Senate and the Speaker of the House of Representatives shall
110 each appoint a member to serve as a legislative liaison to the
111 panel. The technical advisory panel shall advise the department
112 on the implementation of the results-oriented accountability
113 program.

114 Reviser's note.—Subsection (2), which relates to contracting for
115 and submittal of a plan for implementing the child welfare
116 results-oriented accountability program, expired pursuant

10-01717-16

20161040

117 to its own terms, effective June 30, 2015. Subsection (4)
118 is amended to conform to the expiration of subsection (2).
119 Section 9. Paragraph (b) of subsection (3) of section
120 527.06, Florida Statutes, as created by section 1 of chapter
121 2011-106, Laws of Florida, is repealed.
122 Reviser's note.—The cited paragraph, which provides that the
123 department or other state agency may not require compliance
124 with the minimum separation distances of NFPA 58 for
125 separation between a liquefied petroleum gas tank and a
126 building, adjoining property line, other liquefied
127 petroleum gas tank, or any source of ignition, except in
128 compliance with the minimum separation distances of the
129 2011 edition of NFPA 58, expired pursuant to its own terms
130 "upon the last effective date of rules adopted, directly or
131 incorporated by reference, by the department, the Florida
132 Building Commission as part of the Florida Building Code,
133 and the Office of State Fire Marshal as part of the Florida
134 Fire Prevention Code of these minimum separation distances
135 contained in the 2011 edition of NFPA 58, promulgated by
136 the National Fire Protection Association." Rules 5J-20.002
137 and 69A-3.012, Florida Administrative Code, incorporate
138 NFPA 58 (2011 edition) re storage and handling of liquefied
139 petroleum gas; s. 401.2 of the Florida Building Code also
140 incorporates the NFPA 58 standard. Two conflicting laws,
141 chapters 2011-106, Laws of Florida, and 2011-222, Laws of
142 Florida, amended s. 527.06 and included very similar
143 language; paragraph (3)(b) as created by s. 1, ch. 2011-
144 106, expired pursuant to adoption of the rules, and
145 subsection (3), as amended by s. 19, ch. 2011-222, was

10-01717-16

20161040

146 repealed upon adoption of the rules.

147 Section 10. Subsection (4) of section 553.844, Florida
148 Statutes, is repealed.

149 Reviser's note.—The cited subsection, which provides that
150 exposed mechanical equipment or appliances fastened to a
151 roof or installed on the ground in compliance with the code
152 using rated stands, platforms, curbs, slabs, or other means
153 are deemed to comply with the wind resistance requirements
154 of the 2007 Florida Building Code, as amended, and further
155 support or enclosure of such mechanical equipment or
156 appliance is not required by a state or local official
157 having authority to enforce the Florida Building Code,
158 expired pursuant to its own terms, on the effective date of
159 the 2013 Florida Building Code. The new edition of the code
160 became effective June 30, 2015, but the Florida Building
161 Commission elected to rename it as the 2014 Florida
162 Building Code.

163 Section 11. Subsection (9) of section 627.410, Florida
164 Statutes, is repealed.

165 Reviser's note.—The cited subsection, which provides that, for
166 plan years 2014 and 2015, nongrandfathered health plans for
167 the individual or small group market are not subject to
168 rate review or approval by the Office of Insurance
169 Regulation, was repealed pursuant to its own terms,
170 effective March 1, 2015.

171 Section 12. Subsection (4) of section 627.411, Florida
172 Statutes, is repealed.

173 Reviser's note.—The cited subsection, which provides that the
174 provisions of s. 627.411 which apply to rates, rating

10-01717-16

20161040

175 practices, or the relationship of benefits to the premium
176 charged do not apply to nongrandfathered health plans
177 described in s. 627.410(9), was repealed pursuant to its
178 own terms, effective March 1, 2015.

179 Section 13. Sections 627.648, 627.6482, 627.6484, 627.6486,
180 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496,
181 627.6498, and 627.6499, Florida Statutes, are repealed.

182 Reviser's note.—The cited sections, which relate to the Florida
183 Comprehensive Health Association, were repealed by s. 20,
184 ch. 2013-101, Laws of Florida, effective October 1, 2015.
185 Since the sections were not repealed by a "current session"
186 of the Legislature, they may be omitted from the 2016
187 Florida Statutes only through a reviser's bill duly enacted
188 by the Legislature. See s. 11.242(5)(b) and (i).

189 Section 14. Paragraph (f) of subsection (3) of section
190 641.31, Florida Statutes, is repealed.

191 Reviser's note.—The cited paragraph, which, for plan years 2014
192 and 2015, provides that nongrandfathered health plans for
193 the individual or small group market are not subject to
194 rate review or approval by the office, and that a health
195 maintenance organization that issues or renews a
196 nongrandfathered health plan is subject to s. 627.410(9),
197 expired pursuant to its own terms, effective March 1, 2015.

198 Section 15. Section 1003.438, Florida Statutes, is
199 repealed.

200 Reviser's note.—The cited section, which relates to special high
201 school graduation requirements for certain exceptional
202 students, was repealed by s. 19, ch. 2014-184, Laws of
203 Florida, effective July 1, 2015. Since the section was not

10-01717-16

20161040

204 repealed by a "current session" of the Legislature, it may
205 be omitted from the 2016 Florida Statutes only through a
206 reviser's bill duly enacted by the Legislature. See s.
207 11.242(5)(b) and (i).

208 Section 16. Effective July 1, 2016, paragraph (e) of
209 subsection (4) of section 1011.62, Florida Statutes, as amended
210 by section 9 of chapter 2015-222, Laws of Florida, is amended to
211 read:

212 1011.62 Funds for operation of schools.—If the annual
213 allocation from the Florida Education Finance Program to each
214 district for operation of schools is not determined in the
215 annual appropriations act or the substantive bill implementing
216 the annual appropriations act, it shall be determined as
217 follows:

218 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
219 Legislature shall prescribe the aggregate required local effort
220 for all school districts collectively as an item in the General
221 Appropriations Act for each fiscal year. The amount that each
222 district shall provide annually toward the cost of the Florida
223 Education Finance Program for kindergarten through grade 12
224 programs shall be calculated as follows:

225 (e) *Prior period funding adjustment millage.*—

226 1. There shall be an additional millage to be known as the
227 Prior Period Funding Adjustment Millage levied by a school
228 district if the prior period unrealized required local effort
229 funds are greater than zero. The Commissioner of Education shall
230 calculate the amount of the prior period unrealized required
231 local effort funds as specified in subparagraph 2. and the
232 millage required to generate that amount as specified in this

10-01717-16

20161040

233 subparagraph. The Prior Period Funding Adjustment Millage shall
234 be the quotient of the prior period unrealized required local
235 effort funds divided by the current year taxable value certified
236 to the Commissioner of Education pursuant to sub-subparagraph
237 (a)1.a. This levy shall be in addition to the required local
238 effort millage certified pursuant to this subsection. Such
239 millage shall not affect the calculation of the current year's
240 required local effort, and the funds generated by such levy
241 shall not be included in the district's Florida Education
242 Finance Program allocation for that fiscal year. For purposes of
243 the millage to be included on the Notice of Proposed Taxes, the
244 Commissioner of Education shall adjust the required local effort
245 millage computed pursuant to paragraph (a) as adjusted by
246 paragraph (b) for the current year for any district that levies
247 a Prior Period Funding Adjustment Millage to include all Prior
248 Period Funding Adjustment Millage. For the purpose of this
249 paragraph, there shall be a Prior Period Funding Adjustment
250 Millage levied for each year certified by the Department of
251 Revenue pursuant to sub-subparagraph (a)2.a. since the previous
252 year certification and for which the calculation in sub-
253 subparagraph 2.b. is greater than zero.

254 2.a. As used in this subparagraph, the term:

255 (I) "Prior year" means a year certified under sub-
256 subparagraph (a)2.a.

257 (II) "Preliminary taxable value" means:

258 (A) If the prior year is the 2009-2010 fiscal year or
259 later, the taxable value certified to the Commissioner of
260 Education pursuant to sub-subparagraph (a)1.a.

261 (B) If the prior year is the 2008-2009 fiscal year or

10-01717-16

20161040

earlier, the taxable value certified pursuant to the final calculation as specified in former paragraph (b) as that paragraph existed in the prior year.

(III) "Final taxable value" means the district's taxable value as certified by the property appraiser pursuant to s. 193.122(2) or (3), if applicable. This is the certification that reflects all final administrative actions of the value adjustment board.

b. For purposes of this subsection and with respect to each year certified pursuant to sub-subparagraph (a)2.a., if the district's prior year preliminary taxable value is greater than the district's prior year final taxable value, the prior period unrealized required local effort funds are the difference between the district's prior year preliminary taxable value and the district's prior year final taxable value, multiplied by the prior year district required local effort millage. If the district's prior year preliminary taxable value is less than the district's prior year final taxable value, the prior period unrealized required local effort funds are zero.

~~e. For the 2014-2015 fiscal year only, if a district's prior period unrealized required local effort funds and prior period district required local effort millage cannot be determined because such district's final taxable value has not yet been certified pursuant to s. 193.122(2) or (3), for the 2014 tax levy, the Prior Period Funding Adjustment Millage for such fiscal year shall be levied in 2014 in an amount equal to 75 percent of such district's most recent unrealized required local effort for which a Prior Period Funding Adjustment Millage was determined as provided in this section. Upon certification~~

10-01717-16

20161040

291 ~~of the final taxable value for the 2013 tax roll in accordance~~
292 ~~with s. 193.122(2) or (3), the Prior Period Funding Adjustment~~
293 ~~Millage levied in 2015 shall be adjusted to include any~~
294 ~~shortfall or surplus in the prior period unrealized required~~
295 ~~local effort funds that would have been levied in 2014, had the~~
296 ~~district's final taxable value been certified pursuant to s.~~
297 ~~193.122(2) or (3) for the 2014 tax levy. This provision shall be~~
298 ~~implemented by a district only if the millage calculated~~
299 ~~pursuant to this paragraph when added to the millage levied by~~
300 ~~the district for all purposes for the 2014-2015 fiscal year is~~
301 ~~less than or equal to the total millage levied for the 2013-2014~~
302 ~~fiscal year. This sub-subparagraph expires July 1, 2015.~~

303 Reviser's note.—Amended, as amended by s. 9, ch. 2015-222, Laws
304 of Florida, effective July 1, 2016, to delete sub-
305 subparagraph (4)(e)2.c., to conform to the expiration of
306 that sub-subparagraph pursuant to its own terms, effective
307 July 1, 2015.

308 Section 17. Paragraph (a) of subsection (1) of section
309 1013.64, Florida Statutes, is amended to read:

310 1013.64 Funds for comprehensive educational plant needs;
311 construction cost maximums for school district capital
312 projects.—Allocations from the Public Education Capital Outlay
313 and Debt Service Trust Fund to the various boards for capital
314 outlay projects shall be determined as follows:

315 (1) ~~(a)1-~~ Funds for remodeling, renovation, maintenance,
316 repairs, and site improvement for existing satisfactory
317 facilities shall be given priority consideration by the
318 Legislature for appropriations allocated to the boards from the
319 total amount of the Public Education Capital Outlay and Debt

10-01717-16

20161040

320 Service Trust Fund appropriated. These funds shall be calculated
321 pursuant to the following basic formula: the building value
322 times the building age over the sum of the years' digits
323 assuming a 50-year building life. For modular noncombustible
324 facilities, a 35-year life shall be used, and for relocatable
325 facilities, a 20-year life shall be used. "Building value" is
326 calculated by multiplying each building's total assignable
327 square feet times the appropriate net-to-gross conversion rate
328 found in state board rules and that product times the current
329 average new construction cost. "Building age" is calculated by
330 multiplying the prior year's building age times 1 minus the
331 prior year's sum received from this subsection divided by the
332 prior year's building value. To the net result shall be added
333 the number 1. Each board shall receive the percentage generated
334 by the preceding formula of the total amount appropriated for
335 the purposes of this section.

336 ~~2. Notwithstanding subparagraph 1., and for the 2014-2015~~
337 ~~fiscal year only, funds appropriated for remodeling, renovation,~~
338 ~~maintenance, repairs, and site improvement for existing~~
339 ~~satisfactory facilities shall be allocated by prorating the~~
340 ~~total appropriation based on each school district's share of the~~
341 ~~2013-2014 reported fixed capital outlay full-time equivalent~~
342 ~~student. This subparagraph expires July 1, 2015.~~

343 Reviser's note.—Amended to delete subparagraph 2., which expired
344 pursuant to its own terms, effective July 1, 2015.

345 Section 18. Paragraph (b) of subsection (1) of section
346 465.1862, Florida Statutes, is amended to read:

347 465.1862 Pharmacy benefits manager contracts.—

348 (1) As used in this section, the term:

10-01717-16

20161040

349 (b) "Pharmacy benefits manager" means a person or entity
350 doing business in this state which contracts to administer or
351 manage prescription drug benefits on behalf of a health
352 insurance plan, as defined in former s. 627.6482, to residents
353 of this state.

354 Reviser's note.—Amended to conform to the repeal of s. 627.6482
355 by s. 20, ch. 2013-101, Laws of Florida, effective October
356 1, 2015, and confirmed in this act.

357 Section 19. Subsection (2) of section 627.601, Florida
358 Statutes, is amended to read:

359 627.601 Scope of this part.—Nothing in this part applies to
360 or affects:

361 (2) Any group or blanket policy, ~~except as provided in ss.~~
362 ~~627.648-627.6499.~~

363 Reviser's note.—Amended to conform to the repeal of ss. 627.648,
364 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649,
365 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, which
366 relate to the Florida Comprehensive Health Association, by
367 s. 20, ch. 2013-101, Laws of Florida, effective October 1,
368 2015, and confirmed in this act. Sections 627.6487 and
369 627.64871 were created by ch. 97-179, Laws of Florida. The
370 most recent amendment to s. 627.601 was by s. 53, ch. 92-
371 318, Laws of Florida.

372 Section 20. Paragraph (b) of subsection (15) of section
373 627.6699, Florida Statutes, is amended to read:

374 627.6699 Employee Health Care Access Act.—

375 (15) APPLICABILITY OF OTHER STATE LAWS.—

376 ~~(b) Any second tier assessment paid by a carrier pursuant~~
377 ~~to paragraph (11)(j) may be credited against assessments levied~~

10-01717-16

20161040

378 ~~against the carrier pursuant to s. 627.6494.~~

379 Reviser's note.—Amended to conform to the repeal of s. 627.6494
380 by s. 20, ch. 2013-101, Laws of Florida, effective October
381 1, 2015, and confirmed by this act.

382 Section 21. Subsection (2) of section 627.66997, Florida
383 Statutes, is amended to read:

384 627.66997 Stop-loss insurance.—

385 (2) A self-insured health benefit plan established or
386 maintained by an employer with 51 or more covered employees is
387 considered health insurance if the plan's stop-loss coverage, as
388 defined in former s. 627.6482(14), has an aggregate attachment
389 point that is lower than the greater of:

390 (a) One hundred ten percent of expected claims, as
391 determined by the stop-loss insurer in accordance with actuarial
392 standards of practice; or

393 (b) Twenty thousand dollars.

394 Reviser's note.—Amended to conform to the repeal of s. 627.6482
395 by s. 20, ch. 2013-101, Laws of Florida, effective October
396 1, 2015, and confirmed by this act.

397 Section 22. Subsection (8) of section 1002.20, Florida
398 Statutes, is amended to read:

399 1002.20 K-12 student and parent rights.—Parents of public
400 school students must receive accurate and timely information
401 regarding their child's academic progress and must be informed
402 of ways they can help their child to succeed in school. K-12
403 students and their parents are afforded numerous statutory
404 rights including, but not limited to, the following:

405 (8) STUDENTS WITH DISABILITIES.—Parents of public school
406 students with disabilities and parents of public school students

10-01717-16

20161040

407 in residential care facilities are entitled to notice and due
408 process in accordance with the provisions of ss. 1003.57 and
409 1003.58. Public school students with disabilities must be
410 provided the opportunity to meet the graduation requirements for
411 a standard high school diploma as set forth in s. 1003.4282 in
412 accordance with the provisions of ss. 1003.57 and 1008.22.
413 ~~Pursuant to s. 1003.438, certain public school students with~~
414 ~~disabilities may be awarded a special diploma upon high school~~
415 ~~graduation.~~

416 Reviser's note.—Amended to conform to the repeal of s. 1003.438
417 by s. 19, ch. 2014-184, Laws of Florida, effective July 1,
418 2015, and confirmed by this act.

419 Section 23. This act shall take effect on the 60th day
420 after adjournment sine die of the session of the Legislature in
421 which enacted.