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1
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 Section 15.0525, Florida Statutes, is repealed.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29 29.008, Florida Statutes, is repealed.

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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35 Statutes, is repealed.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44 repealed.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

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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
82 Section 6. Subsection (3) of section 379.204, Florida
83 Statutes, is repealed.

84 Reviser's note.—The cited subsection, which authorizes transfer
85 of the cash balance originating from hunting and fishing
86 license fees from other trust funds into the Federal Grants
87 Trust Fund for the purpose of supporting cash flow needs,

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88 expired pursuant to its own terms, effective July 1, 2012.

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90 Statutes, is repealed.

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

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99 Statutes, is repealed, and subsection (4) of that section is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

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

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

115 Reviser's note.—Subsection (2), which relates to contracting for
116 and submittal of a plan for implementing the child welfare

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117 results-oriented accountability program, expired pursuant
118 to its own terms, effective June 30, 2015. Subsection (4)
119 is amended to conform to the expiration of subsection (2).

120 Section 9. Paragraph (b) of subsection (3) of section
121 527.06, Florida Statutes, as created by section 1 of chapter
122 2011-106, Laws of Florida, is repealed.

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

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146 subsection (3), as amended by s. 19, ch. 2011-222, was
147 repealed upon adoption of the rules.

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

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

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

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

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

174 Reviser's note.—The cited subsection, which provides that the

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175 provisions of s. 627.411 which apply to rates, rating
176 practices, or the relationship of benefits to the premium
177 charged do not apply to nongrandfathered health plans
178 described in s. 627.410(9), was repealed pursuant to its
179 own terms, effective March 1, 2015.

180 Section 13. Sections 627.648, 627.6482, 627.6484, 627.6486,
181 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496,
182 627.6498, and 627.6499, Florida Statutes, are repealed.

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

190 Section 14. Paragraph (f) of subsection (3) of section
191 641.31, Florida Statutes, is repealed.

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

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

201 Reviser's note.—The cited section, which relates to special high
202 school graduation requirements for certain exceptional
203 students, was repealed by s. 19, ch. 2014-184, Laws of

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204 Florida, effective July 1, 2015. Since the section was not
205 repealed by a "current session" of the Legislature, it may
206 be omitted from the 2016 Florida Statutes only through a
207 reviser's bill duly enacted by the Legislature. See s.
208 11.242(5) (b) and (i).

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

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

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

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

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

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

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

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

258 (II) "Preliminary taxable value" means:

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

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262 (B) If the prior year is the 2008-2009 fiscal year or
263 earlier, the taxable value certified pursuant to the final
264 calculation as specified in former paragraph (b) as that
265 paragraph existed in the prior year.

266 (III) "Final taxable value" means the district's taxable
267 value as certified by the property appraiser pursuant to s.
268 193.122(2) or (3), if applicable. This is the certification that
269 reflects all final administrative actions of the value
270 adjustment board.

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

282 ~~e. For the 2014-2015 fiscal year only, if a district's~~
283 ~~prior period unrealized required local effort funds and prior~~
284 ~~period district required local effort millage cannot be~~
285 ~~determined because such district's final taxable value has not~~
286 ~~yet been certified pursuant to s. 193.122(2) or (3), for the~~
287 ~~2014 tax levy, the Prior Period Funding Adjustment Millage for~~
288 ~~such fiscal year shall be levied in 2014 in an amount equal to~~
289 ~~75 percent of such district's most recent unrealized required~~
290 ~~local effort for which a Prior Period Funding Adjustment Millage~~

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

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

309 Section 17. Paragraph (a) of subsection (1) of section
310 1013.64, Florida Statutes, is amended to read:

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

316 (1) (a) ~~1.~~ Funds for remodeling, renovation, maintenance,
317 repairs, and site improvement for existing satisfactory
318 facilities shall be given priority consideration by the
319 Legislature for appropriations allocated to the boards from the

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

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

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

346 Section 18. Paragraph (b) of subsection (1) of section
347 465.1862, Florida Statutes, is amended to read:

348 465.1862 Pharmacy benefits manager contracts.—

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

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

355 Reviser's note.—Amended to conform to the repeal of s. 627.6482
356 by s. 20, ch. 2013-101, Laws of Florida, effective October
357 1, 2015, and confirmed in this act.

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

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

362 (2) Any group or blanket policy, ~~except as provided in ss.~~
363 ~~627.648-627.6499.~~

364 Reviser's note.—Amended to conform to the repeal of ss. 627.648,
365 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649,
366 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, which
367 relate to the Florida Comprehensive Health Association, by
368 s. 20, ch. 2013-101, Laws of Florida, effective October 1,
369 2015, and confirmed in this act. Sections 627.6487 and
370 627.64871 were created by ch. 97-179, Laws of Florida. The
371 most recent amendment to s. 627.601 was by s. 53, ch. 92-
372 318, Laws of Florida.

373 Section 20. Paragraph (b) of subsection (15) of section
374 627.6699, Florida Statutes, is amended to read:

375 627.6699 Employee Health Care Access Act.—

376 (15) APPLICABILITY OF OTHER STATE LAWS.—

377 ~~(b) Any second tier assessment paid by a carrier pursuant~~

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378 ~~to paragraph (11)(j) may be credited against assessments levied~~
379 ~~against the carrier pursuant to s. 627.6494.~~

380 Reviser's note.—Amended to conform to the repeal of s. 627.6494
381 by s. 20, ch. 2013-101, Laws of Florida, effective October
382 1, 2015, and confirmed by this act.

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

385 627.66997 Stop-loss insurance.—

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

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

394 (b) Twenty thousand dollars.

395 Reviser's note.—Amended to conform to the repeal of s. 627.6482
396 by s. 20, ch. 2013-101, Laws of Florida, effective October
397 1, 2015, and confirmed by this act.

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

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

406 (8) STUDENTS WITH DISABILITIES.—Parents of public school

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

417 Reviser's note.—Amended to conform to the repeal of s. 1003.438
418 by s. 19, ch. 2014-184, Laws of Florida, effective July 1,
419 2015, and confirmed by this act.

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