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1
2 An act relating to the Florida Statutes; repealing ss.
3 215.5601, 259.105(3)(m), 381.00652, 381.988(11),
4 400.962(6), 408.036(3)(n), 409.996(27), 1002.39,
5 1003.52(23), and 1006.33(5), F.S., and amending s.
6 341.052, F.S., to delete provisions which have become
7 inoperative by noncurrent repeal or expiration and,
8 pursuant to s. 11.242(5)(b) and (i), F.S., may be
9 omitted from the 2023 Florida Statutes only through a
10 reviser's bill duly enacted by the Legislature; and
11 amending ss. 381.0065, 1002.31, 1002.394, and
12 1002.421, F.S., to conform to the changes made by this
13 act; providing an effective date.
14

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

17 Section 1. Section 215.5601, Florida Statutes, is repealed.
18 Reviser's note.—The cited section, which creates the Lawton
19 Chiles Endowment Fund, was repealed by s. 5, ch. 2021-43,
20 Laws of Florida, effective July 1, 2022. Since the section
21 was not repealed by a "current session" of the Legislature,
22 it may be omitted from the 2023 Florida Statutes only
23 through a reviser's bill duly enacted by the Legislature.
24 See s. 11.242(5)(b) and (i).

25 Section 2. Paragraph (m) of subsection (3) of section
26 259.105, Florida Statutes, is repealed.

27 Reviser's note.—The cited paragraph, which authorizes \$1,998,100
28 to the Department of Environmental Protection for grants
29 pursuant to s. 375.075 for the 2021-2022 fiscal year only,

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30 expired pursuant to its own terms, effective July 1, 2022.

31 Section 3. Paragraphs (a) and (b) of subsection (3) of
32 section 341.052, Florida Statutes, are amended to read:

33 341.052 Public transit block grant program; administration;
34 eligible projects; limitation.—

35 (3) The following limitations shall apply to the use of
36 public transit block grant program funds:

37 (a)~~1.~~ State participation in eligible capital projects
38 shall be limited to 50 percent of the nonfederal share of such
39 project costs.

40 ~~2. For the 2021-2022 fiscal year only, local participation~~
41 ~~in eligible capital projects may be less than 50 percent of the~~
42 ~~nonfederal share of such project costs. This subparagraph~~
43 ~~expires July 1, 2022.~~

44 (b)~~1.~~ State participation in eligible public transit
45 operating costs may not exceed 50 percent of such costs or an
46 amount equal to the total revenue, excluding farebox, charter,
47 and advertising revenue and federal funds, received by the
48 provider for operating costs, whichever amount is less.

49 ~~2. For the 2021-2022 fiscal year only, local participation~~
50 ~~in eligible public transit operating costs may be less than 50~~
51 ~~percent of such operating costs. This subparagraph expires July~~
52 ~~1, 2022.~~

53 Reviser's note.—Amended to conform to the repeal of

54 subparagraphs (3) (a)2. and (b)2. pursuant to their own
55 terms, effective July 1, 2022.

56 Section 4. Section 381.00652, Florida Statutes, is
57 repealed.

58 Reviser's note.—The cited section, which creates the onsite

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59 sewage treatment and disposal systems technical advisory
60 committee, expired pursuant to its own terms, effective
61 August 15, 2022.

62 Section 5. Subsection (11) of section 381.988, Florida
63 Statutes, is repealed.

64 Reviser's note.—The cited subsection, which relates to rules
65 adopted under subsection (9) before July 1, 2022, not being
66 subject to ss. 120.54(3) (b) and 120.541, expired pursuant
67 to its own terms, effective July 1, 2022.

68 Section 6. Subsection (6) of section 400.962, Florida
69 Statutes, is repealed.

70 Reviser's note.—The cited subsection, which relates to
71 demonstration and maintenance of criteria for certificate-
72 of-need-exemption under s. 408.306(3) (n) for intermediate
73 care facilities for developmentally disabled persons, was
74 repealed by s. 2, ch. 2020-60, Laws of Florida, and s. 7,
75 ch. 2020-71, Laws of Florida, codified as s.
76 408.036(3) (o)3. in 2020 and since redesignated as s.
77 408.036(3) (n)3., effective July 1, 2022. Since the
78 subsection was not repealed by a "current session" of the
79 Legislature, it may be omitted from the 2023 Florida
80 Statutes only through a reviser's bill duly enacted by the
81 Legislature. See s. 11.242(5) (b) and (i).

82 Section 7. Paragraph (n) of subsection (3) of section
83 408.036, Florida Statutes, is repealed.

84 Reviser's note.—The cited paragraph, which provides for an
85 exemption from certificate-of-need requirements for
86 specified new intermediate care facilities for
87 developmentally disabled persons, was repealed pursuant to

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88 its own terms, effective July 1, 2022.

89 Section 8. Subsection (27) of section 409.996, Florida
90 Statutes, is repealed.

91 Reviser's note.—The cited subsection, which requires
92 implementation of a pilot project in the Sixth and
93 Thirteenth Judicial Circuits, for the 2020-2021 and 2021-
94 2022 fiscal years, aimed at improving child welfare
95 outcomes, expired pursuant to its own terms, effective July
96 1, 2022.

97 Section 9. Section 1002.39, Florida Statutes, is repealed.

98 Reviser's note.—The cited section, which establishes the John M.
99 McKay Scholarships for Students with Disabilities Program,
100 was repealed pursuant to its own terms, effective July 1,
101 2022.

102 Section 10. Subsection (23) of section 1003.52, Florida
103 Statutes, is repealed.

104 Reviser's note.—The cited subsection, which authorizes the
105 Department of Juvenile Justice, in consultation with the
106 Department of Education and for the 2021-2022 fiscal year,
107 to evaluate the viability of an alternative model for
108 providing and funding educational services for youth in
109 detention and residential facilities, expired pursuant to
110 its own terms, effective June 1, 2022.

111 Section 11. Subsection (5) of section 1006.33, Florida
112 Statutes, is repealed.

113 Reviser's note.—The cited subsection, which authorizes the
114 Department of Education to establish timeframes for the
115 advertisement and submission of bids for instructional
116 materials for the 2020 adoption cycle, expired pursuant to

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117 its own terms, effective July 1, 2022.

118 Section 12. Paragraph (e) of subsection (4) of section
119 381.0065, Florida Statutes, is amended to read:

120 381.0065 Onsite sewage treatment and disposal systems;
121 regulation.—

122 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
123 construct, repair, modify, abandon, or operate an onsite sewage
124 treatment and disposal system without first obtaining a permit
125 approved by the department. The department may issue permits to
126 carry out this section, except that the issuance of a permit for
127 work seaward of the coastal construction control line
128 established under s. 161.053 shall be contingent upon receipt of
129 any required coastal construction control line permit from the
130 department. A construction permit is valid for 18 months after
131 the date of issuance and may be extended by the department for
132 one 90-day period under rules adopted by the department. A
133 repair permit is valid for 90 days after the date of issuance.
134 An operating permit must be obtained before the use of any
135 aerobic treatment unit or if the establishment generates
136 commercial waste. Buildings or establishments that use an
137 aerobic treatment unit or generate commercial waste shall be
138 inspected by the department at least annually to assure
139 compliance with the terms of the operating permit. The operating
140 permit for a commercial wastewater system is valid for 1 year
141 after the date of issuance and must be renewed annually. The
142 operating permit for an aerobic treatment unit is valid for 2
143 years after the date of issuance and must be renewed every 2
144 years. If all information pertaining to the siting, location,
145 and installation conditions or repair of an onsite sewage

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146 treatment and disposal system remains the same, a construction
147 or repair permit for the onsite sewage treatment and disposal
148 system may be transferred to another person, if the transferee
149 files, within 60 days after the transfer of ownership, an
150 amended application providing all corrected information and
151 proof of ownership of the property. A fee is not associated with
152 the processing of this supplemental information. A person may
153 not contract to construct, modify, alter, repair, service,
154 abandon, or maintain any portion of an onsite sewage treatment
155 and disposal system without being registered under part III of
156 chapter 489. A property owner who personally performs
157 construction, maintenance, or repairs to a system serving his or
158 her own owner-occupied single-family residence is exempt from
159 registration requirements for performing such construction,
160 maintenance, or repairs on that residence, but is subject to all
161 permitting requirements. A municipality or political subdivision
162 of the state may not issue a building or plumbing permit for any
163 building that requires the use of an onsite sewage treatment and
164 disposal system unless the owner or builder has received a
165 construction permit for such system from the department. A
166 building or structure may not be occupied and a municipality,
167 political subdivision, or any state or federal agency may not
168 authorize occupancy until the department approves the final
169 installation of the onsite sewage treatment and disposal system.
170 A municipality or political subdivision of the state may not
171 approve any change in occupancy or tenancy of a building that
172 uses an onsite sewage treatment and disposal system until the
173 department has reviewed the use of the system with the proposed
174 change, approved the change, and amended the operating permit.

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175 (e) The department shall adopt rules relating to the
176 location of onsite sewage treatment and disposal systems,
177 including establishing setback distances, to prevent groundwater
178 contamination and surface water contamination and to preserve
179 the public health. The rulemaking process for such rules must be
180 completed by July 1, 2022, and the department shall notify the
181 Division of Law Revision of the date such rules take effect. The
182 rules must consider conventional and enhanced nutrient-reducing
183 onsite sewage treatment and disposal system designs, impaired or
184 degraded water bodies, domestic wastewater and drinking water
185 infrastructure, potable water sources, nonpotable wells,
186 stormwater infrastructure, the onsite sewage treatment and
187 disposal system remediation plans developed pursuant to s.
188 403.067(7)(a)9.b., nutrient pollution, and the recommendations
189 of the onsite sewage treatment and disposal systems technical
190 advisory committee established pursuant to former s. 381.00652.
191 The rules must also allow a person to apply for and receive a
192 variance from a rule requirement upon demonstration that the
193 requirement would cause an undue hardship and granting the
194 variance would not cause or contribute to the exceedance of a
195 total maximum daily load.

196 Reviser's note.—Amended to conform to the repeal of s. 381.00652
197 by this act.

198 Section 13. Paragraph (f) of subsection (3) of section
199 1002.31, Florida Statutes, is amended to read:

200 1002.31 Controlled open enrollment; public school parental
201 choice.—

202 (3) Each district school board shall adopt by rule and post
203 on its website the process required to participate in controlled

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204 open enrollment. The process must:

205 (f) Require school districts to provide information on
206 transportation options, such as:

207 1. The responsibility of school districts to provide
208 transportation to another public school pursuant to ss. 1002.38~~7~~
209 ~~1002.39~~, and 1002.394.

210 2. The availability of funds for transportation under ss.
211 1002.394, 1002.395, and 1011.68.

212 3. Any other transportation the school district may
213 provide.

214 4. Any transportation options available in the community.
215 Reviser's note.—Amended to conform to the repeal of s. 1002.39
216 by this act.

217 Section 14. Paragraph (b) of subsection (12) of section
218 1002.394, Florida Statutes, is amended to read:

219 1002.394 The Family Empowerment Scholarship Program.—

220 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

221 (b)1. Scholarships for students determined eligible
222 pursuant to paragraph (3) (b) are established for up to 26,500
223 students annually beginning in the 2022-2023 school year.
224 Beginning in the 2023-2024 school year, the maximum number of
225 students participating in the scholarship program under this
226 section shall annually increase by 1.0 percent of the state's
227 total exceptional student education full-time equivalent student
228 membership, not including gifted students. An eligible student
229 who meets any of the following requirements shall be excluded
230 from the maximum number of students if the student:

231 a. Received specialized instructional services under the
232 Voluntary Prekindergarten Education Program pursuant to s.

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233 1002.66 during the previous school year and the student has a
234 current IEP developed by the district school board in accordance
235 with rules of the State Board of Education;

236 b. Is a dependent child of a law enforcement officer or a
237 member of the United States Armed Forces, a foster child, or an
238 adopted child;

239 c. Spent the prior school year in attendance at a Florida
240 public school or the Florida School for the Deaf and the Blind.
241 For purposes of this subparagraph, the term "prior school year
242 in attendance" means that the student was enrolled and reported
243 by:

244 (I) A school district for funding during either the
245 preceding October or February full-time equivalent student
246 membership surveys in kindergarten through grade 12, which
247 includes time spent in a Department of Juvenile Justice
248 commitment program if funded under the Florida Education Finance
249 Program;

250 (II) The Florida School for the Deaf and the Blind during
251 the preceding October or February full-time equivalent student
252 membership surveys in kindergarten through grade 12;

253 (III) A school district for funding during the preceding
254 October or February full-time equivalent student membership
255 surveys, was at least 4 years of age when enrolled and reported,
256 and was eligible for services under s. 1003.21(1)(e); or

257 (IV) Received a John M. McKay Scholarship for Students with
258 Disabilities in the 2021-2022 school year.

259 2. For a student who has a Level I to Level III matrix of
260 services or a diagnosis by a physician or psychologist, the
261 calculated scholarship amount for a student participating in the

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262 program must be based upon the grade level and school district
263 in which the student would have been enrolled as the total funds
264 per unweighted full-time equivalent in the Florida Education
265 Finance Program for a student in the basic exceptional student
266 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
267 plus a per full-time equivalent share of funds for all
268 categorical programs, as funded in the General Appropriations
269 Act, except that for the exceptional student education
270 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
271 2., the funds must be allocated based on the school district's
272 average exceptional student education guaranteed allocation
273 funds per exceptional student education full-time equivalent
274 student.

275 3. For a student with a Level IV or Level V matrix of
276 services, the calculated scholarship amount must be based upon
277 the school district to which the student would have been
278 assigned as the total funds per full-time equivalent for the
279 Level IV or Level V exceptional student education program
280 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
281 equivalent share of funds for all categorical programs, as
282 funded in the General Appropriations Act.

283 4. For a student who received a Gardiner Scholarship
284 pursuant to former s. 1002.385 in the 2020-2021 school year, the
285 amount shall be the greater of the amount calculated pursuant to
286 subparagraph 2. or the amount the student received for the 2020-
287 2021 school year.

288 5. For a student who received a John M. McKay Scholarship
289 pursuant to former s. 1002.39 in the 2020-2021 school year, the
290 amount shall be the greater of the amount calculated pursuant to

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291 subparagraph 2. or the amount the student received for the 2020-
292 2021 school year.

293 6. The organization must provide the department with the
294 documentation necessary to verify the student's participation.

295 7. Upon receiving the documentation, the department shall
296 release, from state funds only, the student's scholarship funds
297 to the organization, to be deposited into the student's account
298 in four equal amounts no later than September 1, November 1,
299 February 1, and April 1 of each school year in which the
300 scholarship is in force.

301 8. Accrued interest in the student's account is in addition
302 to, and not part of, the awarded funds. Program funds include
303 both the awarded funds and accrued interest.

304 9. The organization may develop a system for payment of
305 benefits by funds transfer, including, but not limited to, debit
306 cards, electronic payment cards, or any other means of payment
307 which the department deems to be commercially viable or cost-
308 effective. A student's scholarship award may not be reduced for
309 debit card or electronic payment fees. Commodities or services
310 related to the development of such a system must be procured by
311 competitive solicitation unless they are purchased from a state
312 term contract pursuant to s. 287.056.

313 10. Moneys received pursuant to this section do not
314 constitute taxable income to the qualified student or the parent
315 of the qualified student.

316 Reviser's note.—Amended to conform to the repeal of s. 1002.385
317 by s. 2, ch. 2021-27, Laws of Florida, and the repeal of s.
318 1002.39 by this act.

319 Section 15. Paragraph (q) of subsection (1) of section

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320 1002.421, Florida Statutes, is amended to read:

321 1002.421 State school choice scholarship program
322 accountability and oversight.—

323 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
324 school participating in an educational scholarship program
325 established pursuant to this chapter must be a private school as
326 defined in s. 1002.01(2) in this state, be registered, and be in
327 compliance with all requirements of this section in addition to
328 private school requirements outlined in s. 1002.42, specific
329 requirements identified within respective scholarship program
330 laws, and other provisions of Florida law that apply to private
331 schools, and must:

332 (q) Provide a report from an independent certified public
333 accountant who performs the agreed-upon procedures developed
334 pursuant to s. 1002.395(6)(o) if the private school receives
335 more than \$250,000 in funds from scholarships awarded under this
336 chapter in a state fiscal year. A private school subject to this
337 subsection must annually submit the report by September 15 to
338 the scholarship-funding organization that awarded the majority
339 of the school's scholarship funds. ~~However, a school that~~
340 ~~receives more than \$250,000 in scholarship funds only through~~
341 ~~the John M. McKay Scholarship for Students with Disabilities~~
342 ~~Program pursuant to s. 1002.39 must submit the annual report by~~
343 ~~September 15 to the department.~~ The agreed-upon procedures must
344 be conducted in accordance with attestation standards
345 established by the American Institute of Certified Public
346 Accountants.

347
348 The department shall suspend the payment of funds to a private

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349 school that knowingly fails to comply with this subsection, and
350 shall prohibit the school from enrolling new scholarship
351 students, for 1 fiscal year and until the school complies. If a
352 private school fails to meet the requirements of this subsection
353 or has consecutive years of material exceptions listed in the
354 report required under paragraph (q), the commissioner may
355 determine that the private school is ineligible to participate
356 in a scholarship program.

357 Reviser's note.—Amended to conform to the repeal of s. 1002.39
358 by this act.

359 Section 16. This act shall take effect on the 60th day
360 after adjournment sine die of the session of the Legislature in
361 which enacted.