

1 A reviser's bill to be entitled
 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
 18 repealed.

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 20 Chiles Endowment Fund, was repealed by s. 5, ch. 2021-43,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 22 was not repealed by a "current session" of the Legislature,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

26 Section 2. Paragraph (m) of subsection (3) of section
 27 259.105, Florida Statutes, is repealed.

28 Reviser's note.—The cited paragraph, which authorizes \$1,998,100
 29 to the Department of Environmental Protection for grants
 30 pursuant to s. 375.075 for the 2021-2022 fiscal year only,
 31 expired pursuant to its own terms, effective July 1, 2022.

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

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

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

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

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

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

50 ~~2. For the 2021-2022 fiscal year only, local participation~~

51 ~~in eligible public transit operating costs may be less than 50~~
52 ~~percent of such operating costs. This subparagraph expires July~~
53 ~~1, 2022.~~

54 Reviser's note.—Amended to conform to the repeal of
55 subparagraphs (3) (a)2. and (b)2. pursuant to their own
56 terms, effective July 1, 2022.

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58 repealed.

59 Reviser's note.—The cited section, which creates the onsite
60 sewage treatment and disposal systems technical advisory
61 committee, expired pursuant to its own terms, effective
62 August 15, 2022.

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

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

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

71 Reviser's note.—The cited subsection, which relates to
72 demonstration and maintenance of criteria for certificate-
73 of-need-exemption under s. 408.306(3)(n) for intermediate
74 care facilities for developmentally disabled persons, was
75 repealed by s. 2, ch. 2020-60, Laws of Florida, and s. 7,

76 ch. 2020-71, Laws of Florida, codified as s.
77 408.036(3)(o)3. in 2020 and since redesignated as s.
78 408.036(3)(n)3., effective July 1, 2022. Since the
79 subsection was not repealed by a "current session" of the
80 Legislature, it may be omitted from the 2023 Florida
81 Statutes only through a reviser's bill duly enacted by the
82 Legislature. See s. 11.242(5)(b) and (i).

83 Section 7. Paragraph (n) of subsection (3) of section
84 408.036, Florida Statutes, is repealed.

85 Reviser's note.—The cited paragraph, which provides for an
86 exemption from certificate-of-need requirements for
87 specified new intermediate care facilities for
88 developmentally disabled persons, was repealed pursuant to
89 its own terms, effective July 1, 2022.

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

92 Reviser's note.—The cited subsection, which requires
93 implementation of a pilot project in the Sixth and
94 Thirteenth Judicial Circuits, for the 2020-2021 and 2021-
95 2022 fiscal years, aimed at improving child welfare
96 outcomes, expired pursuant to its own terms, effective July
97 1, 2022.

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

99 Reviser's note.—The cited section, which establishes the John M.
100 McKay Scholarships for Students with Disabilities Program,

101 was repealed pursuant to its own terms, effective July 1,
 102 2022.

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

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

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

114 Reviser's note.—The cited subsection, which authorizes the
 115 Department of Education to establish timeframes for the
 116 advertisement and submission of bids for instructional
 117 materials for the 2020 adoption cycle, expired pursuant to
 118 its own terms, effective July 1, 2022.

119 Section 12. Paragraph (e) of subsection (4) of section
 120 381.0065, Florida Statutes, is amended to read:

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

123 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
 124 construct, repair, modify, abandon, or operate an onsite sewage
 125 treatment and disposal system without first obtaining a permit

126 approved by the department. The department may issue permits to
127 carry out this section, except that the issuance of a permit for
128 work seaward of the coastal construction control line
129 established under s. 161.053 shall be contingent upon receipt of
130 any required coastal construction control line permit from the
131 department. A construction permit is valid for 18 months after
132 the date of issuance and may be extended by the department for
133 one 90-day period under rules adopted by the department. A
134 repair permit is valid for 90 days after the date of issuance.
135 An operating permit must be obtained before the use of any
136 aerobic treatment unit or if the establishment generates
137 commercial waste. Buildings or establishments that use an
138 aerobic treatment unit or generate commercial waste shall be
139 inspected by the department at least annually to assure
140 compliance with the terms of the operating permit. The operating
141 permit for a commercial wastewater system is valid for 1 year
142 after the date of issuance and must be renewed annually. The
143 operating permit for an aerobic treatment unit is valid for 2
144 years after the date of issuance and must be renewed every 2
145 years. If all information pertaining to the siting, location,
146 and installation conditions or repair of an onsite sewage
147 treatment and disposal system remains the same, a construction
148 or repair permit for the onsite sewage treatment and disposal
149 system may be transferred to another person, if the transferee
150 files, within 60 days after the transfer of ownership, an

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

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

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

199 Section 13. Paragraph (f) of subsection (3) of section
200 1002.31, Florida Statutes, is amended to read:

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

203 (3) Each district school board shall adopt by rule and
 204 post on its website the process required to participate in
 205 controlled open enrollment. The process must:

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

208 1. The responsibility of school districts to provide
 209 transportation to another public school pursuant to ss. 1002.38~~7~~
 210 ~~1002.397~~ and 1002.394.

211 2. The availability of funds for transportation under ss.
 212 1002.394, 1002.395, and 1011.68.

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

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

218 Section 14. Paragraph (b) of subsection (12) of section
 219 1002.394, Florida Statutes, is amended to read:

220 1002.394 The Family Empowerment Scholarship Program.—

221 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

222 (b)1. Scholarships for students determined eligible
 223 pursuant to paragraph (3) (b) are established for up to 26,500
 224 students annually beginning in the 2022-2023 school year.

225 Beginning in the 2023-2024 school year, the maximum number of

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226 students participating in the scholarship program under this
227 section shall annually increase by 1.0 percent of the state's
228 total exceptional student education full-time equivalent student
229 membership, not including gifted students. An eligible student
230 who meets any of the following requirements shall be excluded
231 from the maximum number of students if the student:

232 a. Received specialized instructional services under the
233 Voluntary Prekindergarten Education Program pursuant to s.
234 1002.66 during the previous school year and the student has a
235 current IEP developed by the district school board in accordance
236 with rules of the State Board of Education;

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

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

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

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

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

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

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

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

284 4. For a student who received a Gardiner Scholarship
285 pursuant to former s. 1002.385 in the 2020-2021 school year, the
286 amount shall be the greater of the amount calculated pursuant to
287 subparagraph 2. or the amount the student received for the 2020-
288 2021 school year.

289 5. For a student who received a John M. McKay Scholarship
290 pursuant to former s. 1002.39 in the 2020-2021 school year, the
291 amount shall be the greater of the amount calculated pursuant to
292 subparagraph 2. or the amount the student received for the 2020-
293 2021 school year.

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

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

301 scholarship is in force.

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

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

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

317 Reviser's note.—Amended to conform to the repeal of s. 1002.385
 318 by s. 2, ch. 2021-27, Laws of Florida, and the repeal of s.
 319 1002.39 by this act.

320 Section 15. Paragraph (q) of subsection (1) of section
 321 1002.421, Florida Statutes, is amended to read:

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

324 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 325 school participating in an educational scholarship program

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326 established pursuant to this chapter must be a private school as
327 defined in s. 1002.01(2) in this state, be registered, and be in
328 compliance with all requirements of this section in addition to
329 private school requirements outlined in s. 1002.42, specific
330 requirements identified within respective scholarship program
331 laws, and other provisions of Florida law that apply to private
332 schools, and must:

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

348
349 The department shall suspend the payment of funds to a private
350 school that knowingly fails to comply with this subsection, and

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

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

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