

## CHAPTER 2016-11

### Senate Bill No. 1040

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

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

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 Section 15.0525, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to the Admiral John H. Fetterman State of Florida Maritime Museum and Research Center, expired pursuant to its own terms, effective July 1, 2015.

Section 2. Paragraph (c) of subsection (4) of section 29.008, Florida Statutes, is repealed.

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

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 Subsection (3) of section 255.25001, Florida Statutes, is repealed.

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

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 Paragraph (j) of subsection (4) and paragraph (c) of subsection (5) of section 339.135, Florida Statutes, are repealed.

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

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 Paragraph (f) of subsection (3) of section 373.4137, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph requires funds identified in the Department of Transportation's work program or participating transportation authorities' escrow accounts to correspond to a cost per acre of \$75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory for purposes of preparing and implementing the mitigation plans to be adopted by the water management districts on or before March 1, 2014, for impacts based on the July 1, 2013, environmental impact inventory, and for adjustment to a specified percentage change in the average of the Consumer Price Index. Payment under this paragraph is limited to mitigation activities that are identified in the first year of the 2013 mitigation plan and for which the transportation project is permitted and are in the department's adopted work program, or equivalent for a transportation authority. When implementing the mitigation activities necessary to offset the permitted impacts as provided in the approved mitigation plan, the water management district shall maintain specified records of the costs incurred in implementing the mitigation. To the extent moneys paid to a water management district by the department or a participating transportation authority are greater than the amount spent by the water management districts in implementing the mitigation to offset the permitted impacts, these funds must be refunded to the department or participating transportation authority. This paragraph expired pursuant to its own terms, effective June 30, 2015.

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

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

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

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

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

409.997 Child welfare results-oriented accountability program.—

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

Reviser's note.—Subsection (2), which relates to contracting for and submittal of a plan for implementing the child welfare results-oriented accountability program, expired pursuant to its own terms, effective June 30, 2015. Subsection (4) is amended to conform to the expiration of subsection (2).

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

Reviser's note.—The cited paragraph, which provides that the department or other state agency may not require compliance with the minimum separation distances of NFPA 58 for separation between a liquefied petroleum gas tank and a building, adjoining property line, other liquefied petroleum gas tank, or any source of ignition, except in compliance with the minimum separation distances of the 2011 edition of NFPA 58, expired pursuant to its own terms “upon the last effective date of rules adopted, directly or incorporated by reference, by the department, the Florida Building Commission as part of the Florida Building Code, and the Office of State Fire Marshal as part of the Florida Fire Prevention Code of these minimum separation distances contained in the 2011 edition of NFPA 58, promulgated by the National Fire Protection Association.” Rules 5J-20.002 and 69A-3.012, Florida Administrative Code, incorporate NFPA 58 (2011 edition) re storage and handling of liquefied petroleum gas; s. 401.2 of the Florida Building Code also incorporates the NFPA 58 standard. Two conflicting laws, chapters 2011-106, Laws of Florida, and 2011-222, Laws of Florida, amended s. 527.06 and included very similar language; paragraph (3)(b) as created by s. 1, ch. 2011-106, expired pursuant to adoption of the rules, and subsection (3), as amended by s. 19, ch. 2011-222, was repealed upon adoption of the rules.

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

Reviser's note.—The cited subsection, which provides that exposed mechanical equipment or appliances fastened to a roof or installed on

the ground in compliance with the code using rated stands, platforms, curbs, slabs, or other means are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code, as amended, and further support or enclosure of such mechanical equipment or appliance is not required by a state or local official having authority to enforce the Florida Building Code, expired pursuant to its own terms, on the effective date of the 2013 Florida Building Code. The new edition of the code became effective June 30, 2015, but the Florida Building Commission elected to rename it as the 2014 Florida Building Code.

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

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

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

Reviser's note.—The cited subsection, which provides that the provisions of s. 627.411 which apply to rates, rating practices, or the relationship of benefits to the premium charged do not apply to nongrandfathered health plans described in s. 627.410(9), was repealed pursuant to its own terms, effective March 1, 2015.

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

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

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

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

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

Reviser's note.—The cited section, which relates to special high school graduation requirements for certain exceptional students, was repealed by s. 19, ch. 2014-184, Laws of Florida, effective July 1, 2015. Since the section was not repealed by a “current session” of the Legislature, it may be omitted from the 2016 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

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

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

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

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

1. There shall be an additional millage to be known as the Prior Period Funding Adjustment Millage levied by a school district if the prior period unrealized required local effort funds are greater than zero. The Commissioner of Education shall calculate the amount of the prior period unrealized required local effort funds as specified in subparagraph 2. and the millage required to generate that amount as specified in this subparagraph. The Prior Period Funding Adjustment Millage shall be the quotient of the prior period unrealized required local effort funds divided by the current year taxable value certified to the Commissioner of Education pursuant to subparagraph (a)1.a. This levy shall be in addition to the required local effort millage certified pursuant to this subsection. Such millage shall not affect the calculation of the current year's required local effort, and the funds generated by such levy shall not be included in the district's Florida Education Finance Program allocation for that fiscal year. For purposes of the millage to be included on the Notice of Proposed Taxes, the Commissioner of Education shall adjust the required local effort millage computed pursuant to paragraph (a) as adjusted by paragraph (b) for the current year for any district that levies a Prior Period Funding Adjustment Millage to include all Prior Period Funding Adjustment Millage. For the purpose of this paragraph, there shall be a Prior Period Funding Adjustment Millage levied for each year certified by the Department of Revenue pursuant to sub-

subparagraph (a)2.a. since the previous year certification and for which the calculation in sub-subparagraph 2.b. is greater than zero.

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

(I) “Prior year” means a year certified under sub-subparagraph (a)2.a.

(II) “Preliminary taxable value” means:

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

(B) If the prior year is the 2008-2009 fiscal year or 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 of the final taxable value for the 2013 tax roll in accordance with s. 193.122(2) or (3), the Prior Period Funding Adjustment Millage levied in 2015 shall be adjusted to include any shortfall or surplus in the prior period unrealized required local effort funds that would have been levied in 2014, had the district’s final taxable value been certified pursuant to s. 193.122(2) or (3) for the 2014 tax levy. This provision shall be implemented by a district only if the millage calculated pursuant to this paragraph when added to the millage levied by the district for all purposes for the 2014-2015 fiscal year is less than or equal to the total millage levied for the 2013-2014 fiscal year. This sub-subparagraph expires July 1, 2015.~~

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

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

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

(1)(a)1. Funds for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities shall be given priority consideration by the Legislature for appropriations allocated to the boards from the total amount of the Public Education Capital Outlay and Debt Service Trust Fund appropriated. These funds shall be calculated pursuant to the following basic formula: the building value times the building age over the sum of the years' digits assuming a 50-year building life. For modular noncombustible facilities, a 35-year life shall be used, and for relocatable facilities, a 20-year life shall be used. "Building value" is calculated by multiplying each building's total assignable square feet times the appropriate net-to-gross conversion rate found in state board rules and that product times the current average new construction cost. "Building age" is calculated by multiplying the prior year's building age times 1 minus the prior year's sum received from this subsection divided by the prior year's building value. To the net result shall be added the number 1. Each board shall receive the percentage generated by the preceding formula of the total amount appropriated for the purposes of this section.

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

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

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

465.1862 Pharmacy benefits manager contracts.—

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

(b) "Pharmacy benefits manager" means a person or entity doing business in this state which contracts to administer or manage prescription

drug benefits on behalf of a health insurance plan, as defined in former s. 627.6482, to residents of this state.

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

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

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

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

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

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

627.6699 Employee Health Care Access Act.—

(15) APPLICABILITY OF OTHER STATE LAWS.—

~~(b) Any second tier assessment paid by a carrier pursuant to paragraph (11)(j) may be credited against assessments levied against the carrier pursuant to s. 627.6494.~~

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

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

627.66997 Stop-loss insurance.—

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

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



(b) Twenty thousand dollars.

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

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

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

(8) STUDENTS WITH DISABILITIES.—Parents of public school students with disabilities and parents of public school students in residential care facilities are entitled to notice and due process in accordance with the provisions of ss. 1003.57 and 1003.58. Public school students with disabilities must be provided the opportunity to meet the graduation requirements for a standard high school diploma as set forth in s. 1003.4282 in accordance with the provisions of ss. 1003.57 and 1008.22. Pursuant to s. 1003.438, certain public school students with disabilities may be awarded a special diploma upon high school graduation.

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

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

Approved by the Governor February 24, 2016.

Filed in Office Secretary of State February 24, 2016.