

By Senator Thrasher

6-01521-13

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1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; repealing ss.
3 206.608(3), 220.1896, 253.034(13) and (16),
4 332.007(8), 339.08(4), 401.465(2)(i), 406.61(3),
5 946.515(8), and 1010.10, F.S.; and amending ss.
6 215.555(4)(b), 339.135(4)(a) and (5), 394.908(3), and
7 893.055(7)(d), F.S.; to delete provisions which have
8 become inoperative by noncurrent repeal or expiration
9 and, pursuant to s. 11.242(5)(b) and (i), may be
10 omitted from the 2013 Florida Statutes only through a
11 reviser's bill duly enacted by the Legislature;
12 amending s. 220.02(8), F.S., to conform a cross-
13 reference; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (3) of section 206.608, Florida
18 Statutes, is repealed.

19 Reviser's note.—The cited subsection, which provides that, for
20 the 2011-2012 fiscal year only, and notwithstanding
21 subsection (2), the remaining proceeds of the tax levied
22 pursuant to s. 206.41(1)(f) and all of the proceeds from
23 the tax imposed by s. 206.87(1)(d) shall be transferred
24 into the State Transportation Trust Fund and be used for
25 the purposes stated in s. 339.08, expired pursuant to its
26 own terms, effective July 1, 2012.

27 Section 2. Paragraph (b) of subsection (4) of section
28 215.555, Florida Statutes, is amended to read:

29 215.555 Florida Hurricane Catastrophe Fund.—

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30 (4) REIMBURSEMENT CONTRACTS.—

31 (b)1. The contract shall contain a promise by the board to
32 reimburse the insurer for 45 percent, 75 percent, or 90 percent
33 of its losses from each covered event in excess of the insurer's
34 retention, plus 5 percent of the reimbursed losses to cover loss
35 adjustment expenses.

36 2. The insurer must elect one of the percentage coverage
37 levels specified in this paragraph and may, upon renewal of a
38 reimbursement contract, elect a lower percentage coverage level
39 if no revenue bonds issued under subsection (6) after a covered
40 event are outstanding, or elect a higher percentage coverage
41 level, regardless of whether or not revenue bonds are
42 outstanding. All members of an insurer group must elect the same
43 percentage coverage level. Any joint underwriting association,
44 risk apportionment plan, or other entity created under s.
45 627.351 must elect the 90-percent coverage level.

46 3. The contract shall provide that reimbursement amounts
47 shall not be reduced by reinsurance paid or payable to the
48 insurer from other sources.

49 ~~4. Notwithstanding any other provision contained in this~~
50 ~~section, the board shall make available to insurers that~~
51 ~~purchased coverage provided by this subparagraph in 2008,~~
52 ~~insurers qualifying as limited apportionment companies under s.~~
53 ~~627.351(6)(c), and insurers that have been approved to~~
54 ~~participate in the Insurance Capital Build-Up Incentive Program~~
55 ~~pursuant to s. 215.5595 a contract or contract addendum that~~
56 ~~provides an additional amount of reimbursement coverage of up to~~
57 ~~\$10 million. The premium to be charged for this additional~~
58 ~~reimbursement coverage shall be 50 percent of the additional~~

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59 ~~reimbursement coverage provided, which shall include one prepaid~~
60 ~~reinstatement. The minimum retention level that an eligible~~
61 ~~participating insurer must retain associated with this~~
62 ~~additional coverage layer is 30 percent of the insurer's surplus~~
63 ~~as of December 31, 2008, for the 2009-2010 contract year; as of~~
64 ~~December 31, 2009, for the 2010-2011 contract year; and as of~~
65 ~~December 31, 2010, for the 2011-2012 contract year. This~~
66 ~~coverage shall be in addition to all other coverage that may be~~
67 ~~provided under this section. The coverage provided by the fund~~
68 ~~under this subparagraph shall be in addition to the claims-~~
69 ~~paying capacity as defined in subparagraph (c)1., but only with~~
70 ~~respect to those insurers that select the additional coverage~~
71 ~~option and meet the requirements of this subparagraph. The~~
72 ~~claims-paying capacity with respect to all other participating~~
73 ~~insurers and limited apportionment companies that do not select~~
74 ~~the additional coverage option shall be limited to their~~
75 ~~reimbursement premium's proportionate share of the actual~~
76 ~~claims-paying capacity otherwise defined in subparagraph (c)1.~~
77 ~~and as provided for under the terms of the reimbursement~~
78 ~~contract. The optional coverage retention as specified shall be~~
79 ~~accessed before the mandatory coverage under the reimbursement~~
80 ~~contract, but once the limit of coverage selected under this~~
81 ~~option is exhausted, the insurer's retention under the mandatory~~
82 ~~coverage will apply. This coverage will apply and be paid~~
83 ~~concurrently with mandatory coverage. This subparagraph expires~~
84 ~~on May 31, 2012.~~

85 Reviser's note.—Amended to delete subparagraph 4., which expired
86 pursuant to its own terms, effective May 31, 2012.

87 Section 3. Section 220.1896, Florida Statutes, is repealed.

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88 Reviser's note.—The cited section, which relates to the Jobs for
89 the Unemployed Tax Credit Program, expired pursuant to its
90 own terms, effective June 30, 2012.

91 Section 4. Subsections (13) and (16) of section 253.034,
92 Florida Statutes, are repealed.

93 Reviser's note.—The cited subsections, which relate to deposit
94 into the Citrus Advertising Trust Fund of funds derived
95 from the sale of certain Department of Citrus property and
96 transfer of all lease interest in lands on which the G.
97 Pierce Wood Hospital is located to the Florida Polytechnic
98 University, including any existing subleases, expired
99 pursuant to their own terms, effective July 1, 2012.

100 Section 5. Subsection (8) of section 332.007, Florida
101 Statutes, is repealed.

102 Reviser's note.—The cited subsection, which relates to funding
103 authorization for security projects at publicly owned
104 public-use airports, expired pursuant to its own terms,
105 effective June 30, 2012.

106 Section 6. Subsection (4) of section 339.08, Florida
107 Statutes, is repealed.

108 Reviser's note.—The cited subsection, authorizing transfer of
109 funds, for the 2011-2012 fiscal year only, from the State
110 Transportation Trust Fund to the State School Trust Fund or
111 the General Revenue Fund as specified in the General
112 Appropriations Act and reduction of the total amount
113 transferred from total state revenues deposited into the
114 State Transportation Trust Fund for the calculation
115 requirements of ss. 206.46(3) and 206.606(2), expired
116 pursuant to its own terms, effective July 1, 2012.

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117 Section 7. Paragraph (a) of subsection (4) and subsection
118 (5) of section 339.135, Florida Statutes, as amended by section
119 55 of chapter 2012-96, Laws of Florida, are amended to read:

120 339.135 Work program; legislative budget request;
121 definitions; preparation, adoption, execution, and amendment.—

122 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

123 (a)1. To assure that no district or county is penalized for
124 local efforts to improve the State Highway System, the
125 department shall, for the purpose of developing a tentative work
126 program, allocate funds for new construction to the districts,
127 except for the turnpike enterprise, based on equal parts of
128 population and motor fuel tax collections. Funds for
129 resurfacing, bridge repair and rehabilitation, bridge fender
130 system construction or repair, public transit projects except
131 public transit block grants as provided in s. 341.052, and other
132 programs with quantitative needs assessments shall be allocated
133 based on the results of these assessments. The department may
134 not transfer any funds allocated to a district under this
135 paragraph to any other district except as provided in subsection
136 (7). Funds for public transit block grants shall be allocated to
137 the districts pursuant to s. 341.052. Funds for the intercity
138 bus program provided for under s. 5311(f) of the federal
139 nonurbanized area formula program shall be administered and
140 allocated directly to eligible bus carriers as defined in s.
141 341.031(12) at the state level rather than the district. In
142 order to provide state funding to support the intercity bus
143 program provided for under provisions of the federal 5311(f)
144 program, the department shall allocate an amount equal to the
145 federal share of the 5311(f) program from amounts calculated

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146 pursuant to s. 206.46(3).

147 2. Notwithstanding the provisions of subparagraph 1., the
148 department shall allocate at least 50 percent of any new
149 discretionary highway capacity funds to the Florida Strategic
150 Intermodal System created pursuant to s. 339.61. Any remaining
151 new discretionary highway capacity funds shall be allocated to
152 the districts for new construction as provided in subparagraph
153 1. For the purposes of this subparagraph, the term "new
154 discretionary highway capacity funds" means any funds available
155 to the department above the prior year funding level for
156 capacity improvements, which the department has the discretion
157 to allocate to highway projects.

158 ~~3. Notwithstanding subparagraphs 1. and 2. and ss.~~
159 ~~201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3),~~
160 ~~and for the 2011-2012 fiscal year only, the department shall~~
161 ~~reduce work program levels to balance the finance plan to the~~
162 ~~revised funding levels resulting from any reduction in the 2011-~~
163 ~~2012 General Appropriations Act. This subparagraph expires July~~
164 ~~1, 2012.~~

165 ~~4. For the 2011-2012 fiscal year only, before any project~~
166 ~~or phase thereof is deferred, the department's cash balances~~
167 ~~shall be as provided in paragraph (6)(b), and the reductions in~~
168 ~~subparagraph 3. shall be made to financial projects not~~
169 ~~programmed for contract letting as identified with a work~~
170 ~~program contract class code 8 and the box code RV. These~~
171 ~~reductions shall not negatively impact safety or maintenance or~~
172 ~~project contingency percentage levels as of April 21, 2011. This~~
173 ~~subparagraph expires July 1, 2012.~~

174 3.5. Notwithstanding subparagraphs 1. and 2. and ss.

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175 206.46(3) and 334.044(26), and for fiscal years 2009-2010
176 through 2013-2014 only, the department shall annually allocate
177 up to \$15 million of the first proceeds of the increased
178 revenues estimated by the November 2009 Revenue Estimating
179 Conference to be deposited into the State Transportation Trust
180 Fund to provide for the portion of the transfer of funds
181 included in s. 343.58(4)(a)1.a. or 2.a., as applicable. The
182 transfer of funds included in s. 343.58(4) shall not negatively
183 impact projects included in fiscal years 2009-2010 through 2013-
184 2014 of the work program as of July 1, 2009, as amended pursuant
185 to subsection (7). This subparagraph expires July 1, 2014.

186 (5) ADOPTION OF THE WORK PROGRAM.—

187 ~~(a)~~The original approved budget for operational and fixed
188 capital expenditures for the department shall be the Governor's
189 budget recommendation and the first year of the tentative work
190 program, as both are amended by the General Appropriations Act
191 and any other act containing appropriations. In accordance with
192 the appropriations act, the department shall, before the
193 beginning of the fiscal year, adopt a final work program which
194 shall only include the original approved budget for the
195 department for the ensuing fiscal year, together with any roll
196 forwards approved pursuant to paragraph (6)(c), and the portion
197 of the tentative work program for the following 4 fiscal years
198 revised in accordance with the original approved budget for the
199 department for the ensuing fiscal year together with the roll
200 forwards. The adopted work program may include only those
201 projects submitted as part of the tentative work program
202 developed under the provisions of subsection (4), plus any
203 projects which are separately identified by specific

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204 appropriation in the General Appropriations Act and any roll
205 forwards approved pursuant to paragraph (6)(c). However, any
206 transportation project of the department which is identified by
207 specific appropriation in the General Appropriations Act shall
208 be deducted from the funds annually distributed to the
209 respective district pursuant to paragraph (4)(a). In addition,
210 the department shall not in any year include any project or
211 allocate funds to a program in the adopted work program that is
212 contrary to existing law for that particular year. Projects
213 shall not be undertaken unless they are listed in the adopted
214 work program.

215 ~~(b) Notwithstanding paragraph (a), and for the 2011-2012~~
216 ~~fiscal year only, the Department of Transportation shall~~
217 ~~transfer funds to the Department of Economic Opportunity in an~~
218 ~~amount equal to \$15 million for the purpose of funding~~
219 ~~transportation-related needs of economic development projects.~~
220 ~~This transfer does not reduce, delete, or defer any existing~~
221 ~~projects funded, as of July 1, 2011, in the Department of~~
222 ~~Transportation's 5-year work program. This paragraph expires~~
223 ~~July 1, 2012.~~

224 ~~(c) Notwithstanding paragraph (a), and for the 2011-2012~~
225 ~~fiscal year only, the Department of Transportation shall fund~~
226 ~~airport development projects specified in the General~~
227 ~~Appropriations Act and, unless requested by the airport sponsor,~~
228 ~~may not reduce, delete, or defer any existing projects funded as~~
229 ~~of July 1, 2011, in the Department of Transportation's 5-year~~
230 ~~work program. This paragraph expires July 1, 2012.~~

231 Reviser's note.—Paragraph (4)(a) is amended to delete

232 subparagraphs 3. and 4. Subsection (5) is amended to delete

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233 paragraphs (b) and (c). The deleted subunits expired
234 pursuant to their own terms, effective July 1, 2012.

235 Section 8. Subsection (3) of section 394.908, Florida
236 Statutes, is amended to read:

237 394.908 Substance abuse and mental health funding equity;
238 distribution of appropriations.—In recognition of the historical
239 inequity in the funding of substance abuse and mental health
240 services for the department's districts and regions and to
241 rectify this inequity and provide for equitable funding in the
242 future throughout the state, the following funding process shall
243 be used:

244 (3)~~(a)~~ Any additional funding beyond the 2005-2006 fiscal
245 year base appropriation for alcohol, drug abuse, and mental
246 health services shall be allocated to districts for substance
247 abuse and mental health services based on:

248 (a)1. Epidemiological estimates of disabilities that apply
249 to the respective priority populations.

250 (b)2. A pro rata share distribution that ensures districts
251 below the statewide average funding level per individual in each
252 priority population of "individuals in need" receive funding
253 necessary to achieve equity.

254 ~~(b) Notwithstanding paragraph (a) and for the 2011-2012~~
255 ~~fiscal year only, funds appropriated for forensic mental health~~
256 ~~treatment services shall be allocated to the areas of the state~~
257 ~~having the greatest demand for services and treatment capacity.~~
258 ~~This paragraph expires July 1, 2012.~~

259 ~~(c) Notwithstanding paragraph (a) and for the 2011-2012~~
260 ~~fiscal year only, additional funds appropriated for substance~~
261 ~~abuse and mental health services from funds available through~~

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262 ~~the Community-Based Medicaid Administrative Claiming Program~~
263 ~~shall be allocated as provided in the 2010-2011 General~~
264 ~~Appropriations Act and in proportion to contributed provider~~
265 ~~earnings. This paragraph expires July 1, 2012.~~

266 Reviser's note.—Amended to delete paragraphs (b) and (c), which
267 expired pursuant to their own terms, effective July 1,
268 2012.

269 Section 9. Paragraph (i) of subsection (2) of section
270 401.465, Florida Statutes, is repealed.

271 Reviser's note.—The cited paragraph, which requires
272 establishment by rule of a procedure for the initial
273 certification of specified 911 public safety
274 telecommunicators, expired pursuant to its own terms,
275 effective October 1, 2012.

276 Section 10. Subsection (3) of section 406.61, Florida
277 Statutes, is repealed.

278 Reviser's note.—The cited subsection, which relates to
279 documentation of legal acquisition for certain plastinated
280 bodies by accredited museum entities, expired pursuant to
281 its own terms, effective January 1, 2012.

282 Section 11. Paragraph (d) of subsection (7) of section
283 893.055, Florida Statutes, is amended to read:

284 893.055 Prescription drug monitoring program.—

285 (7)

286 (d) Department staff, for the purpose of calculating
287 performance measures pursuant to subsection (8), ~~The following~~
288 ~~entities~~ shall not be allowed direct access to information in
289 the prescription drug monitoring program database but may
290 request from the program manager and, when authorized by the

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291 program manager, the program manager's program and support
292 staff, information that contains no identifying information of
293 any patient, physician, health care practitioner, prescriber, or
294 dispenser and that is not confidential and exempt+

295 ~~1. department staff for the purpose of calculating~~
296 ~~performance measures pursuant to subsection (8).~~

297 ~~2. The Program Implementation and Oversight Task Force for~~
298 ~~its reporting to the Governor, the President of the Senate, and~~
299 ~~the Speaker of the House of Representatives regarding the~~
300 ~~prescription drug monitoring program. This subparagraph expires~~
301 ~~July 1, 2012.~~

302 Reviser's note.—Amended to delete subparagraph 2., which expired
303 pursuant to its own terms, effective July 1, 2012.

304 Section 12. Subsection (8) of section 946.515, Florida
305 Statutes, is repealed.

306 Reviser's note.—The cited subsection, which requires each state
307 agency to submit a report on June 30, 2012, listing
308 products or services obtained from a source other than the
309 nonprofit corporation authorized to operate correctional
310 work programs, expired pursuant to its own terms, effective
311 July 1, 2012.

312 Section 13. Section 1010.10, Florida Statutes, is repealed.

313 Reviser's note.—The cited section, the Florida Uniform
314 Management of Institutional Funds Act, was repealed by s.
315 3, ch. 2011-170, Laws of Florida, effective July 1, 2012.
316 Since the section was not repealed by a "current session"
317 of the Legislature, it may be omitted from the 2013 Florida
318 Statutes only through a reviser's bill duly enacted by the
319 Legislature. See s. 11.242(5)(b) and (i).

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320 Section 14. Subsection (8) of section 220.02, Florida
321 Statutes, is amended to read:

322 220.02 Legislative intent.—

323 (8) It is the intent of the Legislature that credits
324 against either the corporate income tax or the franchise tax be
325 applied in the following order: those enumerated in s. 631.828,
326 those enumerated in s. 220.191, those enumerated in s. 220.181,
327 those enumerated in s. 220.183, those enumerated in s. 220.182,
328 those enumerated in s. 220.1895, those enumerated in s. 220.195,
329 those enumerated in s. 220.184, those enumerated in s. 220.186,
330 those enumerated in s. 220.1845, those enumerated in s. 220.19,
331 those enumerated in s. 220.185, those enumerated in s. 220.1875,
332 those enumerated in s. 220.192, those enumerated in s. 220.193,
333 those enumerated in s. 288.9916, those enumerated in s.
334 220.1899, ~~those enumerated in s. 220.1896~~, those enumerated in
335 s. 220.194, and those enumerated in s. 220.196.

336 Reviser's note.—Amended to conform to the repeal of s. 220.1896
337 by this act.

338 Section 15. This act shall take effect on the 60th day
339 after adjournment sine die of the session of the Legislature in
340 which enacted.

341