

By Senator Benacquisto

27-00508-17

2017504\_\_

1           A reviser's bill to be entitled  
2       An act relating to the Florida Statutes; repealing ss.  
3       212.08(7)(hhh), 216.292(8), 322.1415, 388.261(4)(b),  
4       400.9986, 403.1832(2), 409.912(1), (3), and (7), and  
5       720.303(13), F.S., amending ss. 20.435 and 320.08058,  
6       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 2017 Florida Statutes only through a  
10      reviser's bill duly enacted by the Legislature;  
11      amending ss. 20.60, 213.053, 220.192, 322.21, 377.703,  
12      409.91195, 409.91196, 409.962, 641.19, and 641.386,  
13      F.S., to conform cross-references; providing an  
14      effective date.

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

17  
18       Section 1. Paragraph (a) of subsection (4) of section  
19       20.435, Florida Statutes, is amended to read:

20       20.435 Department of Health; trust funds.—The following  
21       trust funds shall be administered by the Department of Health:

22       (4) Medical Quality Assurance Trust Fund.

23       (a)~~1~~. Funds to be credited to the trust fund shall consist  
24       of fees and fines related to the licensing of health care  
25       professionals. Funds shall be used for the purpose of providing  
26       administrative support for the regulation of health care  
27       professionals and for other such purposes as may be appropriate  
28       and shall be expended only pursuant to legislative appropriation  
29       or an approved amendment to the department's operating budget  
30       pursuant to the provisions of chapter 216.

31       ~~2. For the 2015-2016 fiscal year, the uses authorized under~~

27-00508-17

2017504

~~subparagraph 1. include the provision of health care services to department clients. This subparagraph expires July 1, 2016.~~

Reviser's note.—Amended to delete subparagraph 2. to conform to the expiration of that subparagraph pursuant to its own terms, effective July 1, 2016.

Section 2. Paragraph (hhh) of subsection (7) of section 212.08, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to a sales tax exemption for equipment, machinery, and other materials for renewable energy technologies, expired pursuant to its own terms, effective July 1, 2016.

Section 3. Subsection (8) of section 216.292, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which authorizes transfer, for the 2015-2016 fiscal year only, of up to \$2.5 million of recurring funds from the Working Capital Trust Fund within the Agency for State Technology between appropriations categories for operations to realign funds to begin migration of cloud-ready applications at the State Data Center to a cloud solution that complies with all applicable federal and state security and privacy requirements, expired pursuant to its own terms, effective July 1, 2016.

Section 4. Paragraph (b) of subsection (69) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(69) ST. JOHNS RIVER LICENSE PLATES.—

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual

27-00508-17

2017504

61 use fees shall be distributed to the St. Johns River Alliance,  
62 Inc., a s. 501(c)(3) nonprofit organization, which shall  
63 administer the fees as follows:

64 1. The St. Johns River Alliance, Inc., shall retain the  
65 first \$60,000 of the annual use fees as direct reimbursement for  
66 administrative costs, startup costs, and costs incurred in the  
67 development and approval process. Thereafter, up to 10 percent  
68 of the annual use fee revenue may be used for administrative  
69 costs directly associated with education programs, conservation,  
70 research, and grant administration of the organization, and up  
71 to 10 percent may be used for promotion and marketing of the  
72 specialty license plate.

73 2. At least 30 percent of the fees shall be available for  
74 competitive grants for targeted community-based or county-based  
75 research or projects for which state funding is limited or not  
76 currently available. The remaining 50 percent shall be directed  
77 toward community outreach and access programs. The competitive  
78 grants shall be administered and approved by the board of  
79 directors of the St. Johns River Alliance, Inc. A grant advisory  
80 committee shall be composed of six members chosen by the St.  
81 Johns River Alliance board members.

82 3. Any remaining funds shall be distributed with the  
83 approval of and accountability to the board of directors of the  
84 St. Johns River Alliance, Inc., and shall be used to support  
85 activities contributing to education, outreach, and springs  
86 conservation.

87 ~~4. Effective July 1, 2014, the St. Johns River license~~  
88 ~~plate will shift into the presale voucher phase, as provided in~~  
89 ~~s. 320.08053(2)(b). The St. Johns River Alliance, Inc., shall~~

27-00508-17

2017504

90 ~~have 24 months to record a minimum of 1,000 sales of the license~~  
91 ~~plates. Sales include existing active plates and vouchers sold~~  
92 ~~subsequent to July 1, 2014. During the voucher period, new~~  
93 ~~plates may not be issued, but existing plates may be renewed.~~  
94 ~~If, at the conclusion of the 24-month presale period, the~~  
95 ~~requirement of a minimum of 1,000 sales has been met, the~~  
96 ~~department shall resume normal distribution of the St. Johns~~  
97 ~~River specialty plate. If, after 24 months, the minimum of 1,000~~  
98 ~~sales has not been met, the department shall discontinue the~~  
99 ~~development and issuance of the plate. This subparagraph is~~  
100 ~~repealed June 30, 2016.~~

101 Reviser's note.—Amended to delete subparagraph (69)(b)4. to  
102 conform to the repeal of that subparagraph pursuant to its  
103 own terms, effective June 30, 2016.

104 Section 5. Section 322.1415, Florida Statutes, is repealed.

105 Reviser's note.—The cited section, which relates to a specialty  
106 driver license and identification card program, was  
107 repealed pursuant to its own terms, effective August 31,  
108 2016.

109 Section 6. Paragraph (b) of subsection (4) of section  
110 388.261, Florida Statutes, is repealed.

111 Reviser's note.—The cited paragraph, which authorizes up to 40  
112 percent of the annual funds appropriated to local  
113 governments for arthropod control to be used for arthropod  
114 control research or demonstration projects for the 2015-  
115 2016 fiscal year only, expired pursuant to its own terms,  
116 effective July 1, 2016.

117 Section 7. Section 400.9986, Florida Statutes, is repealed.

118 Reviser's note.—The cited section, which relates to transitional

27-00508-17

2017504

119 living facilities, was repealed by s. 3, ch. 2015-25, Laws  
120 of Florida, effective July 1, 2016. Since the section was  
121 not repealed by a "current session" of the Legislature, it  
122 may be omitted from the 2017 Florida Statutes only through  
123 a reviser's bill duly enacted by the Legislature. See s.  
124 11.242(5)(b) and (i).

125 Section 8. Subsection (2) of section 403.1832, Florida  
126 Statutes, is repealed.

127 Reviser's note.—The cited subsection, which relates to transfer  
128 of all outstanding appropriations supported by federal  
129 grants to the Federal Grants Trust Fund, expired pursuant  
130 to its own terms, effective July 1, 2016.

131 Section 9. Subsections (1), (3), and (7) of section  
132 409.912, Florida Statutes, are repealed.

133 Reviser's note.—The cited subsections, which relate to  
134 interagency agreements, agency application for waivers of  
135 federal law and regulations to implement more appropriate  
136 systems of health care for Medicaid recipients, and  
137 establishment of a health care quality improvement system,  
138 respectively, expired pursuant to their own terms,  
139 effective October 1, 2016.

140 Section 10. Subsection (13) of section 720.303, Florida  
141 Statutes, is repealed.

142 Reviser's note.—The cited subsection, which relates to  
143 association reporting requirements, expired pursuant to its  
144 own terms, effective July 1, 2016.

145 Section 11. Paragraph (v) of subsection (8) of section  
146 213.053, Florida Statutes, is amended to read:

147 213.053 Confidentiality and information sharing.—

27-00508-17

2017504

148 (8) Notwithstanding any other provision of this section,  
149 the department may provide:

150 (v) Information relative to ss. ~~212.08(7)(hhh)~~, 220.192,  
151 and 220.193 to the Department of Agriculture and Consumer  
152 Services for use in the conduct of its official business.

153

154 Disclosure of information under this subsection shall be  
155 pursuant to a written agreement between the executive director  
156 and the agency. Such agencies, governmental or nongovernmental,  
157 shall be bound by the same requirements of confidentiality as  
158 the Department of Revenue. Breach of confidentiality is a  
159 misdemeanor of the first degree, punishable as provided by s.  
160 775.082 or s. 775.083.

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

162 212.08(7)(hhh) by this act to ratify the expiration of that  
163 paragraph pursuant to its own terms, effective July 1,  
164 2016.

165 Section 12. Paragraphs (a) and (d) of subsection (1) of  
166 section 220.192, Florida Statutes, are amended to read:

167 220.192 Renewable energy technologies investment tax  
168 credit.—

169 (1) DEFINITIONS.—For purposes of this section, the term:

170 (a) "Biodiesel" means biodiesel as defined in former s.  
171 212.08(7)(hhh), Florida Statutes 2016.

172 (d) "Ethanol" means ethanol as defined in former s.  
173 212.08(7)(hhh), Florida Statutes 2016.

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

175 212.08(7)(hhh) by this act to ratify the expiration of that  
176 paragraph pursuant to its own terms, effective July 1,

27-00508-17

2017504

177 2016.

178 Section 13. Paragraph (n) of subsection (2) of section  
179 377.703, Florida Statutes, is amended to read:

180 377.703 Additional functions of the Department of  
181 Agriculture and Consumer Services.—

182 (2) DUTIES.—The department shall perform the following  
183 functions, unless as otherwise provided, consistent with the  
184 development of a state energy policy:

185 (n) On an annual basis, the department shall prepare an  
186 assessment of the utilization of ~~the tax exemption authorized in~~  
187 ~~s. 212.08(7)(hhh)~~, the renewable energy technologies investment  
188 tax credit authorized in s. 220.192, and the renewable energy  
189 production credit authorized in s. 220.193, which the department  
190 shall submit to the President of the Senate, the Speaker of the  
191 House of Representatives, and the Executive Office of the  
192 Governor by February 1 of each year. The assessment shall  
193 include, at a minimum, the following information:

194 1. ~~For the tax exemption authorized in s. 212.08(7)(hhh):~~

195 a. ~~The name of each taxpayer receiving an exemption under~~  
196 ~~this section;~~

197 b. ~~The amount of the exemption received by each taxpayer;~~  
198 and

199 c. ~~The type and description of each eligible item for which~~  
200 ~~each taxpayer is applying.~~

201 2. For the renewable energy technologies investment tax  
202 credit authorized in s. 220.192:

203 a. The name of each taxpayer receiving an allocation under  
204 this section;

205 b. The amount of the credits allocated for that fiscal year

27-00508-17

2017504

206 for each taxpayer; and

207 c. The type of technology and a description of each  
208 investment for which each taxpayer receives an allocation.

209 ~~2.3~~ For the renewable energy production credit authorized  
210 in s. 220.193:

211 a. The name of each taxpayer receiving an allocation under  
212 this section;

213 b. The amount of credits allocated for that fiscal year for  
214 each taxpayer;

215 c. The type and amount of renewable energy produced and  
216 sold, whether the facility producing that energy is a new or  
217 expanded facility, and the approximate date on which production  
218 began; and

219 d. The aggregate amount of credits allocated for all  
220 taxpayers claiming credits under this section for the fiscal  
221 year.

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

223 212.08(7) (hhh) by this act to ratify the expiration of that  
224 paragraph pursuant to its own terms, effective July 1,  
225 2016.

226 Section 14. Paragraph (b) of subsection (10) of section  
227 20.60, Florida Statutes, is amended to read:

228 20.60 Department of Economic Opportunity; creation; powers  
229 and duties.—

230 (10) The department, with assistance from Enterprise  
231 Florida, Inc., shall, by November 1 of each year, submit an  
232 annual report to the Governor, the President of the Senate, and  
233 the Speaker of the House of Representatives on the condition of  
234 the business climate and economic development in the state.



27-00508-17

2017504

235 (b) The report must incorporate annual reports of other  
236 programs, including:

237 1. The displaced homemaker program established under s.  
238 446.50.

239 2. Information provided by the Department of Revenue under  
240 s. 290.014.

241 3. Information provided by enterprise zone development  
242 agencies under s. 290.0056 and an analysis of the activities and  
243 accomplishments of each enterprise zone.

244 4. The ~~Economic Gardening Business Loan Pilot Program~~  
245 ~~established under s. 288.1081 and the Economic Gardening~~  
246 ~~Technical Assistance Pilot Program established under s.~~  
247 ~~288.1082.~~

248 5. A detailed report of the performance of the Black  
249 Business Loan Program and a cumulative summary of quarterly  
250 report data required under s. 288.714.

251 6. The Rural Economic Development Initiative established  
252 under s. 288.0656.

253 7. The Florida Unique Abilities Partner Program.

254 Reviser's note.—Amended to conform to the repeal of s. 288.1081  
255 by this act to ratify the repeal of that section pursuant  
256 to its own terms, effective July 1, 2016.

257 Section 15. Paragraph (i) of subsection (1) of section  
258 322.21, Florida Statutes, is amended to read:

259 322.21 License fees; procedure for handling and collecting  
260 fees.—

261 (1) Except as otherwise provided herein, the fee for:

262 ~~(i) The specialty driver license or identification card~~  
263 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~

27-00508-17

2017504

264 ~~other fees required in this section. The fee shall be~~  
265 ~~distributed as follows:~~

266 ~~1. Fifty percent shall be distributed as provided in s.~~  
267 ~~320.08058 to the appropriate state or independent university,~~  
268 ~~professional sports team, or branch of the United States Armed~~  
269 ~~Forces.~~

270 ~~2. Fifty percent shall be distributed to the department for~~  
271 ~~costs directly related to the specialty driver license and~~  
272 ~~identification card program and to defray the costs associated~~  
273 ~~with production enhancements and distribution.~~

274 Reviser's note.—Amended to conform to the repeal of s. 322.1415  
275 by this act to ratify the repeal of that section by its own  
276 terms, effective August 31, 2016.

277 Section 16. Subsection (4) of section 409.91195, Florida  
278 Statutes, is amended to read:

279 409.91195 Medicaid Pharmaceutical and Therapeutics  
280 Committee.—There is created a Medicaid Pharmaceutical and  
281 Therapeutics Committee within the agency for the purpose of  
282 developing a Medicaid preferred drug list.

283 (4) Upon recommendation of the committee, the agency shall  
284 adopt a preferred drug list as described in s. 409.912(5)  
285 ~~409.912(8)~~. To the extent feasible, the committee shall review  
286 all drug classes included on the preferred drug list every 12  
287 months, and may recommend additions to and deletions from the  
288 preferred drug list, such that the preferred drug list provides  
289 for medically appropriate drug therapies for Medicaid patients  
290 which achieve cost savings contained in the General  
291 Appropriations Act.

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

27-00508-17

2017504

293 409.912(1), (3), and (7) by this act to ratify the  
294 expiration of subsections (1), (3), and (7) pursuant to  
295 their own terms, effective October 1, 2016.

296 Section 17. Subsection (1) of section 409.91196, Florida  
297 Statutes, is amended to read:

298 409.91196 Supplemental rebate agreements; public records  
299 and public meetings exemption.—

300 (1) The rebate amount, percent of rebate, manufacturer's  
301 pricing, and supplemental rebate, and other trade secrets as  
302 defined in s. 688.002 that the agency has identified for use in  
303 negotiations, held by the Agency for Health Care Administration  
304 under s. 409.912(5)(a)7. ~~409.912(8)(a)7~~. are confidential and  
305 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
306 Constitution.

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

308 409.912(1), (3), and (7) by this act to ratify the  
309 expiration of subsections (1), (3), and (7) pursuant to  
310 their own terms, effective October 1, 2016.

311 Section 18. Subsections (1), (7), (13), and (14) of section  
312 409.962, Florida Statutes, are amended to read:

313 409.962 Definitions.—As used in this part, except as  
314 otherwise specifically provided, the term:

315 (1) "Accountable care organization" means an entity  
316 qualified as an accountable care organization in accordance with  
317 federal regulations, and which meets the requirements of a  
318 provider service network as described in s. 409.912(1)  
319 ~~409.912(2)~~.

320 (7) "Eligible plan" means a health insurer authorized under  
321 chapter 624, an exclusive provider organization authorized under

27-00508-17

2017504

322 chapter 627, a health maintenance organization authorized under  
323 chapter 641, or a provider service network authorized under s.  
324 409.912(1) ~~409.912(2)~~ or an accountable care organization  
325 authorized under federal law. For purposes of the managed  
326 medical assistance program, the term also includes the  
327 Children's Medical Services Network authorized under chapter 391  
328 and entities qualified under 42 C.F.R. part 422 as Medicare  
329 Advantage Preferred Provider Organizations, Medicare Advantage  
330 Provider-sponsored Organizations, Medicare Advantage Health  
331 Maintenance Organizations, Medicare Advantage Coordinated Care  
332 Plans, and Medicare Advantage Special Needs Plans, and the  
333 Program of All-inclusive Care for the Elderly.

334 (13) "Prepaid plan" means a managed care plan that is  
335 licensed or certified as a risk-bearing entity, or qualified  
336 pursuant to s. 409.912(1) ~~409.912(2)~~, in the state and is paid a  
337 prospective per-member, per-month payment by the agency.

338 (14) "Provider service network" means an entity qualified  
339 pursuant to s. 409.912(1) ~~409.912(2)~~ of which a controlling  
340 interest is owned by a health care provider, or group of  
341 affiliated providers, or a public agency or entity that delivers  
342 health services. Health care providers include Florida-licensed  
343 health care professionals or licensed health care facilities,  
344 federally qualified health care centers, and home health care  
345 agencies.

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

347 409.912(1) by this act to ratify the expiration of  
348 subsection (1) pursuant to its own terms, effective October  
349 1, 2016.

350 Section 19. Subsection (22) of section 641.19, Florida

27-00508-17

2017504

351 Statutes, is amended to read:

352 641.19 Definitions.—As used in this part, the term:

353 (22) “Provider service network” means a network authorized  
354 under s. 409.912(1) ~~409.912(2)~~, reimbursed on a prepaid basis,  
355 operated by a health care provider or group of affiliated health  
356 care providers, and which directly provides health care services  
357 under a Medicare, Medicaid, or Healthy Kids contract.

358 Reviser’s note.—Amended to conform to the repeal of s.

359 409.912(1) by this act to ratify the expiration of  
360 subsection (1) pursuant to its own terms, effective October  
361 1, 2016.

362 Section 20. Subsection (4) of section 641.386, Florida  
363 Statutes, is amended to read:

364 641.386 Agent licensing and appointment required;  
365 exceptions.—

366 (4) All agents and health maintenance organizations shall  
367 comply with and be subject to the applicable provisions of ss.  
368 641.309 and 409.912(3) ~~409.912(5)~~, and all companies and  
369 entities appointing agents shall comply with s. 626.451, when  
370 marketing for any health maintenance organization licensed  
371 pursuant to this part, including those organizations under  
372 contract with the Agency for Health Care Administration to  
373 provide health care services to Medicaid recipients or any  
374 private entity providing health care services to Medicaid  
375 recipients pursuant to a prepaid health plan contract with the  
376 Agency for Health Care Administration.

377 Reviser’s note.—Amended to conform to the repeal of s.

378 409.912(1) and (3) by this act to ratify the expiration of  
379 subsections (1) and (3) pursuant to their own terms,

27-00508-17

2017504\_\_

380           effective October 1, 2016.

381           Section 21. This act shall take effect on the 60th day  
382 after adjournment sine die of the session of the Legislature in  
383 which enacted.