

By the Committee on Rules; and Senator Benacquisto

595-01977-17

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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. 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)~~4~~. 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

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30 pursuant to the provisions of chapter 216.

31 ~~2. For the 2015-2016 fiscal year, the uses authorized under~~
32 ~~subparagraph 1. include the provision of health care services to~~
33 ~~department clients. This subparagraph expires July 1, 2016.~~

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

37 Section 2. Paragraph (hhh) of subsection (7) of section
38 212.08, Florida Statutes, is repealed.

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

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44 Statutes, is repealed.

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

55 Section 4. Paragraph (b) of subsection (69) of section
56 320.08058, Florida Statutes, is amended to read:

57 320.08058 Specialty license plates.—

58 (69) ST. JOHNS RIVER LICENSE PLATES.—

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

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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~~
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.

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117 Section 7. Section 400.9986, Florida Statutes, is repealed.
118 Reviser's note.—The cited section, which relates to transitional
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

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146 213.053, Florida Statutes, is amended to read:

147 213.053 Confidentiality and information sharing.—

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.

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

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204 this section;

205 b. The amount of the credits allocated for that fiscal year
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 (i) of subsection (1) of section
227 322.21, Florida Statutes, is amended to read:

228 322.21 License fees; procedure for handling and collecting
229 fees.—

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

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

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

235 ~~1. Fifty percent shall be distributed as provided in s.~~
236 ~~320.08058 to the appropriate state or independent university,~~
237 ~~professional sports team, or branch of the United States Armed~~
238 ~~Forces.~~

239 ~~2. Fifty percent shall be distributed to the department for~~
240 ~~costs directly related to the specialty driver license and~~
241 ~~identification card program and to defray the costs associated~~
242 ~~with production enhancements and distribution.~~

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

246 Section 15. Subsection (4) of section 409.91195, Florida
247 Statutes, is amended to read:

248 409.91195 Medicaid Pharmaceutical and Therapeutics
249 Committee.—There is created a Medicaid Pharmaceutical and
250 Therapeutics Committee within the agency for the purpose of
251 developing a Medicaid preferred drug list.

252 (4) Upon recommendation of the committee, the agency shall
253 adopt a preferred drug list as described in s. 409.912(5)
254 ~~409.912(8)~~. To the extent feasible, the committee shall review
255 all drug classes included on the preferred drug list every 12
256 months, and may recommend additions to and deletions from the
257 preferred drug list, such that the preferred drug list provides
258 for medically appropriate drug therapies for Medicaid patients
259 which achieve cost savings contained in the General
260 Appropriations Act.

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

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262 409.912(1), (3), and (7) by this act to ratify the
 263 expiration of subsections (1), (3), and (7) pursuant to
 264 their own terms, effective October 1, 2016.

265 Section 16. Subsection (1) of section 409.91196, Florida
 266 Statutes, is amended to read:

267 409.91196 Supplemental rebate agreements; public records
 268 and public meetings exemption.—

269 (1) The rebate amount, percent of rebate, manufacturer's
 270 pricing, and supplemental rebate, and other trade secrets as
 271 defined in s. 688.002 that the agency has identified for use in
 272 negotiations, held by the Agency for Health Care Administration
 273 under s. 409.912(5)(a)7. ~~409.912(8)(a)7.~~ are confidential and
 274 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 275 Constitution.

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

277 409.912(1), (3), and (7) by this act to ratify the
 278 expiration of subsections (1), (3), and (7) pursuant to
 279 their own terms, effective October 1, 2016.

280 Section 17. Subsections (1), (7), (13), and (14) of section
 281 409.962, Florida Statutes, are amended to read:

282 409.962 Definitions.—As used in this part, except as
 283 otherwise specifically provided, the term:

284 (1) "Accountable care organization" means an entity
 285 qualified as an accountable care organization in accordance with
 286 federal regulations, and which meets the requirements of a
 287 provider service network as described in s. 409.912(1)
 288 ~~409.912(2).~~

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

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291 chapter 627, a health maintenance organization authorized under
292 chapter 641, or a provider service network authorized under s.
293 409.912(1) ~~409.912(2)~~ or an accountable care organization
294 authorized under federal law. For purposes of the managed
295 medical assistance program, the term also includes the
296 Children's Medical Services Network authorized under chapter 391
297 and entities qualified under 42 C.F.R. part 422 as Medicare
298 Advantage Preferred Provider Organizations, Medicare Advantage
299 Provider-sponsored Organizations, Medicare Advantage Health
300 Maintenance Organizations, Medicare Advantage Coordinated Care
301 Plans, and Medicare Advantage Special Needs Plans, and the
302 Program of All-inclusive Care for the Elderly.

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

307 (14) "Provider service network" means an entity qualified
308 pursuant to s. 409.912(1) ~~409.912(2)~~ of which a controlling
309 interest is owned by a health care provider, or group of
310 affiliated providers, or a public agency or entity that delivers
311 health services. Health care providers include Florida-licensed
312 health care professionals or licensed health care facilities,
313 federally qualified health care centers, and home health care
314 agencies.

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

316 409.912(1) by this act to ratify the expiration of
317 subsection (1) pursuant to its own terms, effective October
318 1, 2016.

319 Section 18. Subsection (22) of section 641.19, Florida

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320 Statutes, is amended to read:

321 641.19 Definitions.—As used in this part, the term:

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

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

328 409.912(1) by this act to ratify the expiration of
329 subsection (1) pursuant to its own terms, effective October
330 1, 2016.

331 Section 19. Subsection (4) of section 641.386, Florida
332 Statutes, is amended to read:

333 641.386 Agent licensing and appointment required;
334 exceptions.—

335 (4) All agents and health maintenance organizations shall
336 comply with and be subject to the applicable provisions of ss.
337 641.309 and 409.912(3) ~~409.912(5)~~, and all companies and
338 entities appointing agents shall comply with s. 626.451, when
339 marketing for any health maintenance organization licensed
340 pursuant to this part, including those organizations under
341 contract with the Agency for Health Care Administration to
342 provide health care services to Medicaid recipients or any
343 private entity providing health care services to Medicaid
344 recipients pursuant to a prepaid health plan contract with the
345 Agency for Health Care Administration.

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

347 409.912(1) and (3) by this act to ratify the expiration of
348 subsections (1) and (3) pursuant to their own terms,

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349 effective October 1, 2016.

350 Section 20. This act shall take effect on the 60th day
351 after adjournment sine die of the session of the Legislature in
352 which enacted.