

1 A 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) ~~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~~
32 ~~under subparagraph 1. include the provision of health care~~
33 ~~services to department clients. This subparagraph expires July~~
34 ~~1, 2016.~~

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

38 Section 2. Paragraph (hhh) of subsection (7) of section
39 212.08, Florida Statutes, is repealed.

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

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45 Statutes, is repealed.

46 Reviser's note.—The cited subsection, which authorizes transfer,
47 for the 2015-2016 fiscal year only, of up to \$2.5 million
48 of recurring funds from the Working Capital Trust Fund
49 within the Agency for State Technology between
50 appropriations categories for operations to realign funds

51 to begin migration of cloud-ready applications at the State
52 Data Center to a cloud solution that complies with all
53 applicable federal and state security and privacy
54 requirements, expired pursuant to its own terms, effective
55 July 1, 2016.

56 Section 4. Paragraph (b) of subsection (69) of section
57 320.08058, Florida Statutes, is amended to read:

58 320.08058 Specialty license plates.—

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

60 (b) The requirements of s. 320.08053 must be met prior to
61 the issuance of the plate. Thereafter, the license plate annual
62 use fees shall be distributed to the St. Johns River Alliance,
63 Inc., a s. 501(c)(3) nonprofit organization, which shall
64 administer the fees as follows:

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

74 2. At least 30 percent of the fees shall be available for
75 competitive grants for targeted community-based or county-based

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

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

88 ~~4. Effective July 1, 2014, the St. Johns River license~~
89 ~~plate will shift into the presale voucher phase, as provided in~~
90 ~~s. 320.08053(2) (b). The St. Johns River Alliance, Inc., shall~~
91 ~~have 24 months to record a minimum of 1,000 sales of the license~~
92 ~~plates. Sales include existing active plates and vouchers sold~~
93 ~~subsequent to July 1, 2014. During the voucher period, new~~
94 ~~plates may not be issued, but existing plates may be renewed.~~
95 ~~If, at the conclusion of the 24-month presale period, the~~
96 ~~requirement of a minimum of 1,000 sales has been met, the~~
97 ~~department shall resume normal distribution of the St. Johns~~
98 ~~River specialty plate. If, after 24 months, the minimum of 1,000~~
99 ~~sales has not been met, the department shall discontinue the~~
100 ~~development and issuance of the plate. This subparagraph is~~

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101 ~~repealed June 30, 2016.~~

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

105 Section 5. Section 322.1415, Florida Statutes, is
106 repealed.

107 Reviser's note.—The cited section, which relates to a specialty
108 driver license and identification card program, was
109 repealed pursuant to its own terms, effective August 31,
110 2016.

111 Section 6. Paragraph (b) of subsection (4) of section
112 388.261, Florida Statutes, is repealed.

113 Reviser's note.—The cited paragraph, which authorizes up to 40
114 percent of the annual funds appropriated to local
115 governments for arthropod control to be used for arthropod
116 control research or demonstration projects for the 2015-
117 2016 fiscal year only, expired pursuant to its own terms,
118 effective July 1, 2016.

119 Section 7. Section 400.9986, Florida Statutes, is
120 repealed.

121 Reviser's note.—The cited section, which relates to transitional
122 living facilities, was repealed by s. 3, ch. 2015-25, Laws
123 of Florida, effective July 1, 2016. Since the section was
124 not repealed by a "current session" of the Legislature, it
125 may be omitted from the 2017 Florida Statutes only through

126 a reviser's bill duly enacted by the Legislature. See s.
127 11.242(5)(b) and (i).

128 Section 8. Subsection (2) of section 403.1832, Florida
129 Statutes, is repealed.

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

134 Section 9. Subsections (1), (3), and (7) of section
135 409.912, Florida Statutes, are repealed.

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

143 Section 10. Subsection (13) of section 720.303, Florida
144 Statutes, is repealed.

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

148 Section 11. Paragraph (v) of subsection (8) of section
149 213.053, Florida Statutes, is amended to read:

150 213.053 Confidentiality and information sharing.—

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

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

156
 157 Disclosure of information under this subsection shall be
 158 pursuant to a written agreement between the executive director
 159 and the agency. Such agencies, governmental or nongovernmental,
 160 shall be bound by the same requirements of confidentiality as
 161 the Department of Revenue. Breach of confidentiality is a
 162 misdemeanor of the first degree, punishable as provided by s.
 163 775.082 or s. 775.083.

164 Reviser's note.—Amended to conform to the repeal of s.
 165 212.08(7)(hhh) by this act to ratify the expiration of that
 166 paragraph pursuant to its own terms, effective July 1,
 167 2016.

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

170 220.192 Renewable energy technologies investment tax
 171 credit.—

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

173 (a) "Biodiesel" means biodiesel as defined in former s.
 174 212.08(7)(hhh), Florida Statutes 2016.

175 (d) "Ethanol" means ethanol as defined in former s.

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176 | 212.08(7) (hhh), Florida Statutes 2016.

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

178 | 212.08(7) (hhh) by this act to ratify the expiration of that
179 | paragraph pursuant to its own terms, effective July 1,
180 | 2016.

181 | Section 13. Paragraph (n) of subsection (2) of section
182 | 377.703, Florida Statutes, is amended to read:

183 | 377.703 Additional functions of the Department of
184 | Agriculture and Consumer Services.—

185 | (2) DUTIES.—The department shall perform the following
186 | functions, unless as otherwise provided, consistent with the
187 | development of a state energy policy:

188 | (n) On an annual basis, the department shall prepare an
189 | assessment of the utilization of ~~the tax exemption authorized in~~
190 | ~~s. 212.08(7) (hhh),~~ the renewable energy technologies investment
191 | tax credit authorized in s. 220.192⁷, and the renewable energy
192 | production credit authorized in s. 220.193, which the department
193 | shall submit to the President of the Senate, the Speaker of the
194 | House of Representatives, and the Executive Office of the
195 | Governor by February 1 of each year. The assessment shall
196 | include, at a minimum, the following information:

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

198 | a. ~~The name of each taxpayer receiving an exemption under~~
199 | ~~this section;~~

200 | b. ~~The amount of the exemption received by each taxpayer;~~

201 and
 202 e. ~~The type and description of each eligible item for~~
 203 ~~which each taxpayer is applying.~~
 204 ~~2.~~ For the renewable energy technologies investment tax
 205 credit authorized in s. 220.192:
 206 a. The name of each taxpayer receiving an allocation under
 207 this section;
 208 b. The amount of the credits allocated for that fiscal
 209 year for each taxpayer; and
 210 c. The type of technology and a description of each
 211 investment for which each taxpayer receives an allocation.
 212 2.3. For the renewable energy production credit authorized
 213 in s. 220.193:
 214 a. The name of each taxpayer receiving an allocation under
 215 this section;
 216 b. The amount of credits allocated for that fiscal year
 217 for each taxpayer;
 218 c. The type and amount of renewable energy produced and
 219 sold, whether the facility producing that energy is a new or
 220 expanded facility, and the approximate date on which production
 221 began; and
 222 d. The aggregate amount of credits allocated for all
 223 taxpayers claiming credits under this section for the fiscal
 224 year.
 225 Reviser's note.—Amended to conform to the repeal of s.

226 212.08(7) (hhh) by this act to ratify the expiration of that
 227 paragraph pursuant to its own terms, effective July 1,
 228 2016.

229 Section 14. Paragraph (i) of subsection (1) of section
 230 322.21, Florida Statutes, is amended to read:

231 322.21 License fees; procedure for handling and collecting
 232 fees.—

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

234 ~~(i) The specialty driver license or identification card~~
 235 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~
 236 ~~other fees required in this section. The fee shall be~~
 237 ~~distributed as follows:~~

238 ~~1. Fifty percent shall be distributed as provided in s.~~
 239 ~~320.08058 to the appropriate state or independent university,~~
 240 ~~professional sports team, or branch of the United States Armed~~
 241 ~~Forces.~~

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

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

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

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251 409.91195 Medicaid Pharmaceutical and Therapeutics
252 Committee.—There is created a Medicaid Pharmaceutical and
253 Therapeutics Committee within the agency for the purpose of
254 developing a Medicaid preferred drug list.

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

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

265 409.912(1), (3), and (7) by this act to ratify the
266 expiration of subsections (1), (3), and (7) pursuant to
267 their own terms, effective October 1, 2016.

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

270 409.91196 Supplemental rebate agreements; public records
271 and public meetings exemption.—

272 (1) The rebate amount, percent of rebate, manufacturer's
273 pricing, and supplemental rebate, and other trade secrets as
274 defined in s. 688.002 that the agency has identified for use in
275 negotiations, held by the Agency for Health Care Administration

276 | under s. 409.912(5)(a)7. ~~409.912(8)(a)7.~~ are confidential and
 277 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 278 | Constitution.

279 | Reviser's note.—Amended to conform to the repeal of s.
 280 | 409.912(1), (3), and (7) by this act to ratify the
 281 | expiration of subsections (1), (3), and (7) pursuant to
 282 | their own terms, effective October 1, 2016.

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

285 | 409.962 Definitions.—As used in this part, except as
 286 | otherwise specifically provided, the term:

287 | (1) "Accountable care organization" means an entity
 288 | qualified as an accountable care organization in accordance with
 289 | federal regulations, and which meets the requirements of a
 290 | provider service network as described in s. 409.912(1)
 291 | ~~409.912(2)~~.

292 | (7) "Eligible plan" means a health insurer authorized
 293 | under chapter 624, an exclusive provider organization authorized
 294 | under chapter 627, a health maintenance organization authorized
 295 | under chapter 641, or a provider service network authorized
 296 | under s. 409.912(1) ~~409.912(2)~~ or an accountable care
 297 | organization authorized under federal law. For purposes of the
 298 | managed medical assistance program, the term also includes the
 299 | Children's Medical Services Network authorized under chapter 391
 300 | and entities qualified under 42 C.F.R. part 422 as Medicare

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301 Advantage Preferred Provider Organizations, Medicare Advantage
302 Provider-sponsored Organizations, Medicare Advantage Health
303 Maintenance Organizations, Medicare Advantage Coordinated Care
304 Plans, and Medicare Advantage Special Needs Plans, and the
305 Program of All-inclusive Care for the Elderly.

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

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

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

319 409.912(1) by this act to ratify the expiration of
320 subsection (1) pursuant to its own terms, effective October
321 1, 2016.

322 Section 18. Subsection (22) of section 641.19, Florida
323 Statutes, is amended to read:

324 641.19 Definitions.—As used in this part, the term:

325 (22) "Provider service network" means a network authorized

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326 | under s. 409.912(1) ~~409.912(2)~~, reimbursed on a prepaid basis,
327 | operated by a health care provider or group of affiliated health
328 | care providers, and which directly provides health care services
329 | under a Medicare, Medicaid, or Healthy Kids contract.

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

331 | 409.912(1) by this act to ratify the expiration of
332 | subsection (1) pursuant to its own terms, effective October
333 | 1, 2016.

334 | Section 19. Subsection (4) of section 641.386, Florida
335 | Statutes, is amended to read:

336 | 641.386 Agent licensing and appointment required;
337 | exceptions.—

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

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

350 | 409.912(1) and (3) by this act to ratify the expiration of

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351 subsections (1) and (3) pursuant to their own terms,
352 effective October 1, 2016.

353 Section 20. This act shall take effect on the 60th day
354 after adjournment sine die of the session of the Legislature in
355 which enacted.