

CHAPTER 2013-16

Senate Bill No. 692

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

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

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 Subsection (3) of section 206.608, Florida Statutes, is repealed.

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

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

215.555 Florida Hurricane Catastrophe Fund.—

(4) REIMBURSEMENT CONTRACTS.—

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

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

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

~~4.—Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in 2008, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to \$10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of December 31, 2008, for the 2009-2010 contract year; as of December 31, 2009, for the 2010-2011 contract year; and as of December 31, 2010, for the 2011-2012 contract year. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage. This subparagraph expires on May 31, 2012.~~

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

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

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

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

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

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

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

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

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

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

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

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for the intercity bus program provided for under s. 5311(f) of the federal non-urbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Strategic Intermodal System created pursuant to s. 339.61. Any remaining new discretionary highway capacity funds shall be

allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term “new discretionary highway capacity funds” means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

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

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

~~3.5. Notwithstanding subparagraphs 1. and 2. and ss. 206.46(3) and 334.044(26), and for fiscal years 2009-2010 through 2013-2014 only, the department shall annually allocate up to \$15 million of the first proceeds of the increased revenues estimated by the November 2009 Revenue Estimating Conference to be deposited into the State Transportation Trust Fund to provide for the portion of the transfer of funds included in s. 343.58(4)(a)1.a. or 2.a., as applicable. The transfer of funds included in s. 343.58(4) shall not negatively impact projects included in fiscal years 2009-2010 through 2013-2014 of the work program as of July 1, 2009, as amended pursuant to subsection (7). This subparagraph expires July 1, 2014.~~

(5) ADOPTION OF THE WORK PROGRAM.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor’s budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, before the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year, together with any roll forwards approved pursuant to paragraph (6)(c), and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with the roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4), plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations

Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

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

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

Reviser's note.—Paragraph (4)(a) is amended to delete subparagraphs 3. and 4. Subsection (5) is amended to delete paragraphs (b) and (c). The deleted subunits expired pursuant to their own terms, effective July 1, 2012.

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

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

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

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

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

~~(b) Notwithstanding paragraph (a) and for the 2011-2012 fiscal year only, funds appropriated for forensic mental health treatment services shall be~~

allocated to the areas of the state having the greatest demand for services and treatment capacity. This paragraph expires July 1, 2012.

~~(c) Notwithstanding paragraph (a) and for the 2011-2012 fiscal year only, additional funds appropriated for substance abuse and mental health services from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the 2010-2011 General Appropriations Act and in proportion to contributed provider earnings. This paragraph expires July 1, 2012.~~

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

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

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

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

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

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

893.055 Prescription drug monitoring program.—

(7)

~~(d) Department staff, for the purpose of calculating performance measures pursuant to subsection (8), The following entities shall not be allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that contains no identifying information of any patient, physician, health care practitioner, prescriber, or dispenser and that is not confidential and exempt:~~

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

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

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

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

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

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

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

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

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.192, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, ~~those enumerated in s. 220.1896,~~ those enumerated in s. 220.194, and those enumerated in s. 220.196.

Reviser’s note.—Amended to conform to the repeal of s. 220.1896 by this act.

Section 15. 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 April 10, 2013.

Filed in Office Secretary of State April 10, 2013.