

## CHAPTER 2017-4

### Committee Substitute for Senate Bill No. 504

An act relating to the Florida Statutes; repealing ss. 212.08(7)(hhh), 216.292(8), 322.1415, 388.261(4)(b), 400.9986, 403.1832(2), 409.912(1), (3), and (7), and 720.303(13), F.S., amending ss. 20.435 and 320.08058, F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2017 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending ss. 213.053, 220.192, 322.21, 377.703, 409.91195, 409.91196, 409.962, 641.19, and 641.386, F.S., to conform cross-references; providing an effective date.

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

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

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

(4) Medical Quality Assurance Trust Fund.

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

~~2. For the 2015-2016 fiscal year, the uses authorized under 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 Paragraph (hhh) of subsection (7) of section 212.08, Florida Statutes, is repealed.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 Subsection (8) of section 216.292, Florida Statutes, is repealed.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 use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:

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

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

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

~~4. Effective July 1, 2014, the St. Johns River license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). The St. Johns River Alliance, Inc., shall have 24 months to record a minimum of 1,000 sales of the license plates. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-~~

month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the St. Johns River specialty plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the development and issuance of the plate. This subparagraph is repealed June 30, 2016.

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

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

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

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

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

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

Reviser's note.—The cited section, which relates to transitional living facilities, was repealed by s. 3, ch. 2015-25, Laws of Florida, effective July 1, 2016. Since the section was not repealed by a "current session" of the Legislature, it may be omitted from the 2017 Florida Statutes only through a reviser's bill duly enacted by the Legislature. See s. 11.242(5)(b) and (i).

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

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

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

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

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

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

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

213.053 Confidentiality and information sharing.—

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

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

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

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

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

220.192 Renewable energy technologies investment tax credit.—

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

(a) “Biodiesel” means biodiesel as defined in former s. 212.08(7)(hhh), Florida Statutes 2016.

(d) “Ethanol” means ethanol as defined in former s. 212.08(7)(hhh), Florida Statutes 2016.

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

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

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

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

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

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

- ~~a. The name of each taxpayer receiving an exemption under this section;~~
- ~~b. The amount of the exemption received by each taxpayer; and~~
- ~~c. The type and description of each eligible item for which each taxpayer is applying.~~

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

- a. The name of each taxpayer receiving an allocation under this section;
- b. The amount of the credits allocated for that fiscal year for each taxpayer; and
- c. The type of technology and a description of each investment for which each taxpayer receives an allocation.

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

- a. The name of each taxpayer receiving an allocation under this section;
- b. The amount of credits allocated for that fiscal year for each taxpayer;
- c. The type and amount of renewable energy produced and sold, whether the facility producing that energy is a new or expanded facility, and the approximate date on which production began; and
- d. The aggregate amount of credits allocated for all taxpayers claiming credits under this section for the fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate, and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, held by the Agency for Health Care Administration under s. ~~409.912(5)(a)7.~~ 409.912(8)(a)7. are

confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

(7) “Eligible plan” means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, or a provider service network authorized under s. ~~409.912(1)~~ 409.912(2) or an accountable care organization authorized under federal law. For purposes of the managed medical assistance program, the term also includes the Children's Medical Services Network authorized under chapter 391 and entities qualified under 42 C.F.R. part 422 as Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, Medicare Advantage Health Maintenance Organizations, Medicare Advantage Coordinated Care Plans, and Medicare Advantage Special Needs Plans, and the Program of All-inclusive Care for the Elderly.

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

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

Reviser's note.—Amended to conform to the repeal of s. 409.912(1) by this act to ratify the expiration of subsection (1) pursuant to its own terms, effective October 1, 2016.

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

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

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

Reviser’s note.—Amended to conform to the repeal of s. 409.912(1) by this act to ratify the expiration of subsection (1) pursuant to its own terms, effective October 1, 2016.

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

641.386 Agent licensing and appointment required; exceptions.—

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

Reviser’s note.—Amended to conform to the repeal of s. 409.912(1) and (3) by this act to ratify the expiration of subsections (1) and (3) pursuant to their own terms, effective October 1, 2016.

Section 20. 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 5, 2017.

Filed in Office Secretary of State April 5, 2017.