

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 14.2019(5), 112.0441, 119.071(1)(g), 193.1557,
 4 197.3181, 197.3182, 197.3195, 216.181(11)(e), 220.27,
 5 288.860(5), 327.4109(6), 338.165(3)(b), 381.00317,
 6 420.0005(2), 627.749(3), 766.105, 796.07(5)(e),
 7 943.0433, and 1001.212(11), F.S., and amending s.
 8 409.908(2)(b), F.S., to delete provisions which have
 9 become inoperative by noncurrent repeal or expiration
 10 and, pursuant to s. 11.242(5)(b) and (i), F.S., may be
 11 omitted from the 2023 Florida Statutes only through a
 12 reviser's bill duly enacted by the Legislature;
 13 amending ss. 194.032, 381.00318, 1001.10, 1002.351,
 14 1002.82, 1003.25, 1006.07, and 1006.1493, F.S., to
 15 conform to changes made by this act; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsection (5) of section 14.2019, Florida
 21 Statutes, is repealed.

22 Reviser's note.—The cited subsection, which relates to the First
 23 Responders Suicide Deterrence Task Force, was repealed
 24 pursuant to its own terms, effective July 1, 2023.

25 Section 2. Section 112.0441, Florida Statutes, is

26 repealed.

27 Reviser's note.—The cited section, which relates to prohibition
28 on public employee COVID-19 vaccination mandates, expired
29 pursuant to its own terms, effective June 1, 2023.

30 Section 3. Paragraph (g) of subsection (1) of section
31 119.071, Florida Statutes, is repealed.

32 Reviser's note.—The cited paragraph, which relates to
33 confidentiality and exemption from public records
34 requirements of United States Census Bureau address
35 information, agency records that verify addresses, and
36 agency records identifying address errors or information,
37 held by an agency pursuant to the Local Update of Census
38 Addresses Program authorized under 13 U.S.C. s. 16, was
39 repealed pursuant to its own terms, effective October 2,
40 2023.

41 Section 4. Section 193.1557, Florida Statutes, is
42 repealed.

43 Reviser's note.—The cited section, which relates to assessment
44 of certain property damaged or destroyed by Hurricane
45 Michael, was repealed pursuant to its own terms, effective
46 December 31, 2023.

47 Section 5. Section 197.3181, Florida Statutes, is
48 repealed.

49 Reviser's note.—The cited section, which relates to refund of
50 taxes for residential improvements rendered uninhabitable

51 by Hurricane Ian or Hurricane Nicole, expired pursuant to
 52 its own terms, effective January 1, 2024.

53 Section 6. Section 197.3182, Florida Statutes, is
 54 repealed.

55 Reviser's note.—The cited section, which relates to tax
 56 deadlines for real property destroyed or rendered
 57 uninhabitable by Hurricane Ian or Hurricane Nicole, expired
 58 pursuant to its own terms, effective January 1, 2024.

59 Section 7. Section 197.3195, Florida Statutes, is
 60 repealed.

61 Reviser's note.—The cited section, which relates to abatement of
 62 ad valorem taxes and non-ad valorem assessments following
 63 destruction caused by a sudden and unforeseen collapse, was
 64 repealed pursuant to its own terms, effective December 31,
 65 2023.

66 Section 8. Paragraph (e) of subsection (11) of section
 67 216.181, Florida Statutes, is repealed.

68 Reviser's note.—The cited paragraph, which relates to approval
 69 of budget amendments to increase the approved operating
 70 budgets for nonrecurring operational and fixed capital
 71 outlay expenditures of a state agency or an entity of the
 72 judicial branch when it is deemed necessary to offset cost
 73 increases driven by inflation, for the 2022-2023 fiscal
 74 year only, expired pursuant to its own terms, effective
 75 July 1, 2023.

76 Section 9. Section 220.27, Florida Statutes, is repealed.
77 Reviser's note.—The cited section, which relates to additional
78 required taxpayer information, was repealed pursuant to its
79 own terms, effective January 1, 2023.

80 Section 10. Subsection (5) of section 288.860, Florida
81 Statutes, is repealed.

82 Reviser's note.—The cited subsection, which prohibits agreements
83 with or acceptance of a grant from the Russian Federation
84 by state agencies, political subdivisions, public schools,
85 state colleges, or state universities, for the 2022-2023
86 fiscal year only, expired pursuant to its own terms,
87 effective July 1, 2023.

88 Section 11. Subsection (6) of section 327.4109, Florida
89 Statutes, is repealed.

90 Reviser's note.—The cited subsection, which relates to a study
91 of the impacts of long-term stored vessels on local
92 communities and this state, expired pursuant to its own
93 terms, effective January 1, 2024.

94 Section 12. Paragraph (b) of subsection (3) of section
95 338.165, Florida Statutes, is repealed.

96 Reviser's note.—The cited paragraph, which prohibits toll rate
97 adjustments for inflation for the 2022-2023 fiscal year,
98 expired pursuant to its own terms, effective July 1, 2023.

99 Section 13. Section 381.00317, Florida Statutes, is
100 repealed.

101 Reviser's note.—The cited section, which relates to prohibition
102 of private employer COVID-19 vaccination mandates, expired
103 pursuant to its own terms, effective June 1, 2023.

104 Section 14. Paragraph (b) of subsection (2) of section
105 409.908, Florida Statutes, is amended to read:

106 409.908 Reimbursement of Medicaid providers.—Subject to
107 specific appropriations, the agency shall reimburse Medicaid
108 providers, in accordance with state and federal law, according
109 to methodologies set forth in the rules of the agency and in
110 policy manuals and handbooks incorporated by reference therein.
111 These methodologies may include fee schedules, reimbursement
112 methods based on cost reporting, negotiated fees, competitive
113 bidding pursuant to s. 287.057, and other mechanisms the agency
114 considers efficient and effective for purchasing services or
115 goods on behalf of recipients. If a provider is reimbursed based
116 on cost reporting and submits a cost report late and that cost
117 report would have been used to set a lower reimbursement rate
118 for a rate semester, then the provider's rate for that semester
119 shall be retroactively calculated using the new cost report, and
120 full payment at the recalculated rate shall be effected
121 retroactively. Medicare-granted extensions for filing cost
122 reports, if applicable, shall also apply to Medicaid cost
123 reports. Payment for Medicaid compensable services made on
124 behalf of Medicaid-eligible persons is subject to the
125 availability of moneys and any limitations or directions

126 provided for in the General Appropriations Act or chapter 216.
127 Further, nothing in this section shall be construed to prevent
128 or limit the agency from adjusting fees, reimbursement rates,
129 lengths of stay, number of visits, or number of services, or
130 making any other adjustments necessary to comply with the
131 availability of moneys and any limitations or directions
132 provided for in the General Appropriations Act, provided the
133 adjustment is consistent with legislative intent.

134 (2)

135 (b) Subject to any limitations or directions in the
136 General Appropriations Act, the agency shall establish and
137 implement a state Title XIX Long-Term Care Reimbursement Plan
138 for nursing home care in order to provide care and services in
139 conformance with the applicable state and federal laws, rules,
140 regulations, and quality and safety standards and to ensure that
141 individuals eligible for medical assistance have reasonable
142 geographic access to such care.

143 1. The agency shall amend the long-term care reimbursement
144 plan and cost reporting system to create direct care and
145 indirect care subcomponents of the patient care component of the
146 per diem rate. These two subcomponents together shall equal the
147 patient care component of the per diem rate. Separate prices
148 shall be calculated for each patient care subcomponent,
149 initially based on the September 2016 rate setting cost reports
150 and subsequently based on the most recently audited cost report

151 used during a rebasing year. The direct care subcomponent of the
 152 per diem rate for any providers still being reimbursed on a cost
 153 basis shall be limited by the cost-based class ceiling, and the
 154 indirect care subcomponent may be limited by the lower of the
 155 cost-based class ceiling, the target rate class ceiling, or the
 156 individual provider target. The ceilings and targets apply only
 157 to providers being reimbursed on a cost-based system. Effective
 158 October 1, 2018, a prospective payment methodology shall be
 159 implemented for rate setting purposes with the following
 160 parameters:

- 161 a. Peer Groups, including:
 - 162 (I) North-SMMC Regions 1-9, less Palm Beach and Okeechobee
 - 163 Counties; and
 - 164 (II) South-SMMC Regions 10-11, plus Palm Beach and
 - 165 Okeechobee Counties.
- 166 b. Percentage of Median Costs based on the cost reports
 167 used for September 2016 rate setting:
 - 168 (I) Direct Care Costs 100 percent.
 - 169 (II) Indirect Care Costs 92 percent.
 - 170 (III) Operating Costs 86 percent.
- 171 c. Floors:
 - 172 (I) Direct Care Component 95 percent.
 - 173 (II) Indirect Care Component 92.5 percent.
 - 174 (III) Operating Component None.
- 175 d. Pass-through Payments Real Estate and

176 Personal Property
 177 Taxes and Property Insurance.
 178 e. Quality Incentive Program Payment
 179 Pool 10 percent of September
 180 2016 non-property related
 181 payments of included facilities.
 182 f. Quality Score Threshold to Quality for Quality
 183 Incentive Payment..... 20th
 184 percentile of included facilities.
 185 g. Fair Rental Value System Payment Parameters:
 186 (I) Building Value per Square Foot based on 2018 RS Means.
 187 (II) Land Valuation 10 percent of Gross Building value.
 188 (III) Facility Square Footage ..Actual Square Footage.
 189 (IV) Movable Equipment Allowance \$8,000 per bed.
 190 (V) Obsolescence Factor 1.5 percent.
 191 (VI) Fair Rental Rate of Return 8 percent.
 192 (VII) Minimum Occupancy 90 percent.
 193 (VIII) Maximum Facility Age 40 years.
 194 (IX) Minimum Square Footage per Bed..... 350.
 195 (X) Maximum Square Footage for Bed..... 500.
 196 (XI) Minimum Cost of a renovation/replacements \$500 per
 197 bed.
 198 h. Ventilator Supplemental payment of \$200 per Medicaid
 199 day of 40,000 ventilator Medicaid days per fiscal year.
 200 2. The direct care subcomponent shall include salaries and

201 benefits of direct care staff providing nursing services
202 including registered nurses, licensed practical nurses, and
203 certified nursing assistants who deliver care directly to
204 residents in the nursing home facility, allowable therapy costs,
205 and dietary costs. This excludes nursing administration, staff
206 development, the staffing coordinator, and the administrative
207 portion of the minimum data set and care plan coordinators. The
208 direct care subcomponent also includes medically necessary
209 dental care, vision care, hearing care, and podiatric care.

210 3. All other patient care costs shall be included in the
211 indirect care cost subcomponent of the patient care per diem
212 rate, including complex medical equipment, medical supplies, and
213 other allowable ancillary costs. Costs may not be allocated
214 directly or indirectly to the direct care subcomponent from a
215 home office or management company.

216 4. On July 1 of each year, the agency shall report to the
217 Legislature direct and indirect care costs, including average
218 direct and indirect care costs per resident per facility and
219 direct care and indirect care salaries and benefits per category
220 of staff member per facility.

221 5. Every fourth year, the agency shall rebase nursing home
222 prospective payment rates to reflect changes in cost based on
223 the most recently audited cost report for each participating
224 provider.

225 6. A direct care supplemental payment may be made to

226 providers whose direct care hours per patient day are above the
227 80th percentile and who provide Medicaid services to a larger
228 percentage of Medicaid patients than the state average.

229 ~~7. For the period beginning on October 1, 2018, and ending~~
230 ~~on September 30, 2021, the agency shall reimburse providers the~~
231 ~~greater of their September 2016 cost-based rate or their~~
232 ~~prospective payment rate. Effective October 1, 2021, the agency~~
233 ~~shall reimburse providers the greater of 95 percent of their~~
234 ~~cost-based rate or their rebased prospective payment rate, using~~
235 ~~the most recently audited cost report for each facility. This~~
236 ~~subparagraph shall expire September 30, 2023.~~

237 7.8. Pediatric, Florida Department of Veterans Affairs,
238 and government-owned facilities are exempt from the pricing
239 model established in this subsection and shall remain on a cost-
240 based prospective payment system. Effective October 1, 2018, the
241 agency shall set rates for all facilities remaining on a cost-
242 based prospective payment system using each facility's most
243 recently audited cost report, eliminating retroactive
244 settlements.

245
246 It is the intent of the Legislature that the reimbursement plan
247 achieve the goal of providing access to health care for nursing
248 home residents who require large amounts of care while
249 encouraging diversion services as an alternative to nursing home
250 care for residents who can be served within the community. The

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251 agency shall base the establishment of any maximum rate of
252 payment, whether overall or component, on the available moneys
253 as provided for in the General Appropriations Act. The agency
254 may base the maximum rate of payment on the results of
255 scientifically valid analysis and conclusions derived from
256 objective statistical data pertinent to the particular maximum
257 rate of payment. The agency shall base the rates of payments in
258 accordance with the minimum wage requirements as provided in the
259 General Appropriations Act.

260 Reviser's note.—Amended to conform to the expiration of
261 subparagraph 7. pursuant to its own terms, effective
262 September 30, 2023.

263 Section 15. Subsection (2) of section 420.0005, Florida
264 Statutes, is repealed.

265 Reviser's note.—The cited subsection, which relates to use of
266 funds relating to the State Housing Trust Fund and the
267 State Housing Fund for the 2022-2023 fiscal year, expired
268 pursuant to its own terms, effective July 1, 2023.

269 Section 16. Subsection (3) of section 627.749, Florida
270 Statutes, is repealed.

271 Reviser's note.—The cited subsection, which relates to
272 additional insurance coverage requirements for autonomous
273 vehicles, was repealed pursuant to its own terms, effective
274 January 1, 2024.

275 Section 17. Section 766.105, Florida Statutes, is

276 | repealed.
 277 | Reviser's note.—The cited section, which relates to the Florida
 278 | Patient's Compensation fund, was repealed pursuant to its
 279 | own terms, effective January 1, 2024.
 280 | Section 18. Paragraph (e) of subsection (5) of section
 281 | 796.07, Florida Statutes, is repealed.
 282 | Reviser's note.—The cited paragraph, which relates to the
 283 | Soliciting for Prostitution Public Database, was repealed
 284 | pursuant to its own terms, effective January 1, 2024.
 285 | Section 19. Section 943.0433, Florida Statutes, is
 286 | repealed.
 287 | Reviser's note.—The cited section, which creates the Soliciting
 288 | for Prostitution Public Database, was repealed pursuant to
 289 | its own terms, effective January 1, 2024.
 290 | Section 20. Subsection (11) of section 1001.212, Florida
 291 | Statutes, is repealed.
 292 | Reviser's note.—The cited subsection, which relates to a School
 293 | Hardening and Harm Mitigation Workgroup, was repealed
 294 | pursuant to its own terms, effective June 30, 2023.
 295 | Section 21. Paragraph (b) of subsection (1) of section
 296 | 194.032, Florida Statutes, is amended to read:
 297 | 194.032 Hearing purposes; timetable.—
 298 | (1)
 299 | (b) Notwithstanding the provisions of paragraph (a), the
 300 | value adjustment board may meet prior to the approval of the

301 assessment rolls by the Department of Revenue, but not earlier
 302 than July 1, to hear appeals pertaining to the denial by the
 303 property appraiser of exemptions, ~~tax abatements under s.~~
 304 ~~197.3195,~~ tax refunds under s. ss. 197.3181 and 197.319,
 305 agricultural and high-water recharge classifications,
 306 classifications as historic property used for commercial or
 307 certain nonprofit purposes, and deferrals under subparagraphs
 308 (a)2., 3., and 4. In such event, however, the board may not
 309 certify any assessments under s. 193.122 until the Department of
 310 Revenue has approved the assessments in accordance with s.
 311 193.1142 and all hearings have been held with respect to the
 312 particular parcel under appeal.

313 Reviser's note.—Amended to conform to the repeal of ss. 197.3181
 314 and 197.3195 by this act.

315 Section 22. Subsection (1) of section 381.00318, Florida
 316 Statutes, is amended to read:

317 381.00318 Complaints and investigations regarding mandate
 318 prohibitions; public records exemption.—

319 (1) A complaint alleging a business entity's, a
 320 governmental entity's, or an educational institution's violation
 321 of s. 381.00316, ~~s. 381.00317,~~ or s. 381.00319, and all
 322 information relating to an investigation of such complaint, held
 323 by the Department of Legal Affairs or the Department of Health
 324 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 325 I of the State Constitution until the investigation is completed

326 or ceases to be active. For purposes of this section, an
 327 investigation is considered "active" while such investigation is
 328 being conducted by the Department of Legal Affairs or the
 329 Department of Health with a reasonable good faith belief that it
 330 may lead to a determination of whether there was a violation of
 331 s. 381.00316, ~~s. 381.00317~~, or s. 381.00319. An investigation
 332 does not cease to be active if the Department of Legal Affairs
 333 or the Department of Health is proceeding with reasonable
 334 dispatch and there is a good faith belief that action may be
 335 initiated by the Department of Legal Affairs or the Department
 336 of Health.

337 Reviser's note.—Amended to conform to the repeal of s. 381.00317
 338 by this act.

339 Section 23. Subsection (9) of section 1001.10, Florida
 340 Statutes, is amended to read:

341 1001.10 Commissioner of Education; general powers and
 342 duties.—

343 ~~(9) The commissioner shall review the report of the School~~
 344 ~~Hardening and Harm Mitigation Workgroup regarding hardening and~~
 345 ~~harm mitigation strategies and recommendations submitted by the~~
 346 ~~Office of Safe Schools, pursuant to s. 1001.212(11). By~~
 347 ~~September 1, 2020, the commissioner shall submit a summary of~~
 348 ~~such recommendations to the Governor, the President of the~~
 349 ~~Senate, and the Speaker of the House of Representatives.~~

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

351 1001.212(11) by this act and to delete obsolete material.
 352 Section 24. Paragraph (b) of subsection (2) of section
 353 1002.351, Florida Statutes, is amended to read:

354 1002.351 The Florida School for Competitive Academics.—
 355 (2) MISSION.—

356 (b) To assist in the recruitment of students, the Florida
 357 School for Competitive Academics must be included in the school
 358 choice online portal established under s. 1001.10(9)
 359 ~~1001.10(10)~~. The portal must include information about the
 360 opportunity for parents to submit their child's educational
 361 records to the Florida School for Competitive Academics for
 362 consideration for admission.

363 Reviser's note.—Amended to conform to the repeal of s.
 364 1001.10(9) by this act.

365 Section 25. Paragraph (q) of subsection (2) of section
 366 1002.82, Florida Statutes, is amended to read:

367 1002.82 Department of Education; powers and duties.—
 368 (2) The department shall:

369 (q) Establish a single statewide information system that
 370 each coalition must use for the purposes of managing the single
 371 point of entry, tracking children's progress, coordinating
 372 services among stakeholders, determining eligibility of
 373 children, tracking child attendance, and streamlining
 374 administrative processes for providers and early learning
 375 coalitions. By July 1, 2019, the system, subject to ss. 1002.72

376 and 1002.97, shall:

377 1. Allow a parent to find early learning programs online,
 378 including the performance profile under s. 1002.92(3)(a) which
 379 must be integrated into the online portal under s. 1001.10(9)
 380 ~~1001.10(10)~~.

381 2. Allow a parent to monitor the development of his or her
 382 child as the child moves among programs within the state.

383 3. Enable analysis at the state, regional, and local level
 384 to measure child growth over time, program impact, and quality
 385 improvement and investment decisions.

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

387 1001.10(9) by this act.

388 Section 26. Paragraph (a) of subsection (2) of section
 389 1003.25, Florida Statutes, is amended to read:

390 1003.25 Procedures for maintenance and transfer of student
 391 records.—

392 (2) The procedure for transferring and maintaining records
 393 of students who transfer from school to school is prescribed by
 394 rules of the State Board of Education. The transfer of records
 395 must occur within 5 school days. The records must include, if
 396 applicable:

397 (a) Verified reports of serious or recurrent behavior
 398 patterns, including any threat assessment report, all
 399 corresponding documentation, and any other information required
 400 by the Florida-specific behavioral threat assessment instrument

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401 pursuant to s. 1001.212(11) ~~1001.212(12)~~ which contains the
 402 evaluation, intervention, and management of the threat
 403 assessment evaluations and intervention services.

404 Reviser's note.—Amended to conform to the repeal of s.
 405 1001.212(11) by this act.

406 Section 27. Paragraphs (a), (d), and (i) of subsection (7)
 407 of section 1006.07, Florida Statutes, are amended to read:

408 1006.07 District school board duties relating to student
 409 discipline and school safety.—The district school board shall
 410 provide for the proper accounting for all students, for the
 411 attendance and control of students at school, and for proper
 412 attention to health, safety, and other matters relating to the
 413 welfare of students, including:

414 (7) THREAT MANAGEMENT TEAMS.—Each district school board
 415 and charter school governing board shall establish a threat
 416 management team at each school whose duties include the
 417 coordination of resources and assessment and intervention with
 418 students whose behavior may pose a threat to the safety of the
 419 school, school staff, or students.

420 (a) Upon the availability of a statewide behavioral threat
 421 management operational process developed pursuant to s.
 422 1001.212(11) ~~1001.212(12)~~, all threat management teams shall use
 423 the operational process.

424 (d) Upon the availability of the Florida-specific
 425 behavioral threat assessment instrument developed pursuant to s.

426 1001.212(11) ~~1001.212(12)~~, all threat management teams shall use
 427 that instrument when evaluating the behavior of students who may
 428 pose a threat to the school, school staff, or students and to
 429 coordinate intervention and services for such students.

430 (i) The threat management team shall prepare a threat
 431 assessment report required by the Florida-specific behavioral
 432 threat assessment instrument developed pursuant to s.

433 1001.212(11) ~~1001.212(12)~~. A threat assessment report, all
 434 corresponding documentation, and any other information required
 435 by the Florida-specific behavioral threat assessment instrument
 436 in the threat management portal is an education record.

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

438 1001.212(11) by this act.

439 Section 28. Paragraph (b) of subsection (2) of section
 440 1006.1493, Florida Statutes, is amended to read:

441 1006.1493 Florida Safe Schools Assessment Tool.—

442 (2) The FSSAT must help school officials identify threats,
 443 vulnerabilities, and appropriate safety controls for the schools
 444 that they supervise, pursuant to the security risk assessment
 445 requirements of s. 1006.07(6).

446 (b) The department shall require by contract that the
 447 security consulting firm:

448 1. Generate written automated reports on assessment
 449 findings for review by the department and school and district
 450 officials;

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451 2. Provide training to the department and school officials
 452 in the use of the FSSAT and other areas of importance identified
 453 by the department; and

454 3. Advise in the development and implementation of
 455 templates, formats, guidance, and other resources necessary to
 456 facilitate the implementation of this section at state,
 457 district, school, and local levels.; ~~and~~

458 ~~4. Review recommendations of the School Hardening and Harm~~
 459 ~~Mitigation Workgroup established under s. 1001.212(11) to~~
 460 ~~address physical security measures identified by the FSSAT.~~
 461 Reviser's note.—Amended to conform to the repeal of s.

462 1001.212(11) by this act.

463 Section 29. This act shall take effect on the 60th day
 464 after adjournment sine die of the session of the Legislature in
 465 which enacted.