

By Senator Mayfield

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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 21 Statutes, is repealed.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 23 Responders Suicide Deterrence Task Force, was repealed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 Section 112.0441, Florida Statutes, is repealed.

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

29 Section 3. Paragraph (g) of subsection (1) of section

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30 119.071, Florida Statutes, is repealed.

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38 repealed pursuant to its own terms, effective October 2,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

40 Section 4. Section 193.1557, Florida Statutes, is repealed.

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43 Michael, was repealed pursuant to its own terms, effective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

45 Section 5. Section 197.3181, Florida Statutes, is repealed.

46 Reviser's note.—The cited section, which relates to refund of
47 taxes for residential improvements rendered uninhabitable
48 by Hurricane Ian or Hurricane Nicole, expired pursuant to
49 its own terms, effective January 1, 2024.

50 Section 6. Section 197.3182, Florida Statutes, is repealed.

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

55 Section 7. Section 197.3195, Florida Statutes, is repealed.

56 Reviser's note.—The cited section, which relates to abatement of
57 ad valorem taxes and non-ad valorem assessments following
58 destruction caused by a sudden and unforeseen collapse, was

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59 repealed pursuant to its own terms, effective December 31,
60 2023.

61 Section 8. Paragraph (e) of subsection (11) of section
62 216.181, Florida Statutes, is repealed.

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

71 Section 9. Section 220.27, Florida Statutes, is repealed.

72 Reviser's note.—The cited section, which relates to additional
73 required taxpayer information, was repealed pursuant to its
74 own terms, effective January 1, 2023.

75 Section 10. Subsection (5) of section 288.860, Florida
76 Statutes, is repealed.

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

83 Section 11. Subsection (6) of section 327.4109, Florida
84 Statutes, is repealed.

85 Reviser's note.—The cited subsection, which relates to a study
86 of the impacts of long-term stored vessels on local
87 communities and this state, expired pursuant to its own

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88 terms, effective January 1, 2024.

89 Section 12. Paragraph (b) of subsection (3) of section
90 338.165, Florida Statutes, is repealed.

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

94 Section 13. Section 381.00317, Florida Statutes, is
95 repealed.

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

99 Section 14. Paragraph (b) of subsection (2) of section
100 409.908, Florida Statutes, is amended to read:

101 409.908 Reimbursement of Medicaid providers.—Subject to
102 specific appropriations, the agency shall reimburse Medicaid
103 providers, in accordance with state and federal law, according
104 to methodologies set forth in the rules of the agency and in
105 policy manuals and handbooks incorporated by reference therein.
106 These methodologies may include fee schedules, reimbursement
107 methods based on cost reporting, negotiated fees, competitive
108 bidding pursuant to s. 287.057, and other mechanisms the agency
109 considers efficient and effective for purchasing services or
110 goods on behalf of recipients. If a provider is reimbursed based
111 on cost reporting and submits a cost report late and that cost
112 report would have been used to set a lower reimbursement rate
113 for a rate semester, then the provider's rate for that semester
114 shall be retroactively calculated using the new cost report, and
115 full payment at the recalculated rate shall be effected
116 retroactively. Medicare-granted extensions for filing cost

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117 reports, if applicable, shall also apply to Medicaid cost
118 reports. Payment for Medicaid compensable services made on
119 behalf of Medicaid-eligible persons is subject to the
120 availability of moneys and any limitations or directions
121 provided for in the General Appropriations Act or chapter 216.
122 Further, nothing in this section shall be construed to prevent
123 or limit the agency from adjusting fees, reimbursement rates,
124 lengths of stay, number of visits, or number of services, or
125 making any other adjustments necessary to comply with the
126 availability of moneys and any limitations or directions
127 provided for in the General Appropriations Act, provided the
128 adjustment is consistent with legislative intent.

129 (2)

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

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

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

156 a. Peer Groups, including:

157 (I) North-SMMC Regions 1-9, less Palm Beach and Okeechobee
 158 Counties; and

159 (II) South-SMMC Regions 10-11, plus Palm Beach and
 160 Okeechobee Counties.

161 b. Percentage of Median Costs based on the cost reports
 162 used for September 2016 rate setting:

163 (I) Direct Care Costs.....100 percent.

164 (II) Indirect Care Costs.....92 percent.

165 (III) Operating Costs.....86 percent.

166 c. Floors:

167 (I) Direct Care Component.....95 percent.

168 (II) Indirect Care Component.....92.5 percent.

169 (III) Operating Component.....None.

170 d. Pass-through Payments.....Real Estate and
 171Personal Property
 172Taxes and Property Insurance.

173 e. Quality Incentive Program Payment

174 Pool.....10 percent of September

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1752016 non-property related
176payments of included facilities.

177 f. Quality Score Threshold to Quality for Quality Incentive
178 Payment.....20th
179percentile of included facilities.

180 g. Fair Rental Value System Payment Parameters:

- 181 (I) Building Value per Square Foot based on 2018 RS Means.
- 182 (II) Land Valuation.....10 percent of Gross Building value.
- 183 (III) Facility Square Footage.....Actual Square Footage.
- 184 (IV) Movable Equipment Allowance.....\$8,000 per bed.
- 185 (V) Obsolescence Factor.....1.5 percent.
- 186 (VI) Fair Rental Rate of Return.....8 percent.
- 187 (VII) Minimum Occupancy.....90 percent.
- 188 (VIII) Maximum Facility Age.....40 years.
- 189 (IX) Minimum Square Footage per Bed.....350.
- 190 (X) Maximum Square Footage for Bed.....500.
- 191 (XI) Minimum Cost of a renovation/replacements.\$500 per bed.

192 h. Ventilator Supplemental payment of \$200 per Medicaid day
193 of 40,000 ventilator Medicaid days per fiscal year.

194 2. The direct care subcomponent shall include salaries and
195 benefits of direct care staff providing nursing services
196 including registered nurses, licensed practical nurses, and
197 certified nursing assistants who deliver care directly to
198 residents in the nursing home facility, allowable therapy costs,
199 and dietary costs. This excludes nursing administration, staff
200 development, the staffing coordinator, and the administrative
201 portion of the minimum data set and care plan coordinators. The
202 direct care subcomponent also includes medically necessary
203 dental care, vision care, hearing care, and podiatric care.

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204 3. All other patient care costs shall be included in the
205 indirect care cost subcomponent of the patient care per diem
206 rate, including complex medical equipment, medical supplies, and
207 other allowable ancillary costs. Costs may not be allocated
208 directly or indirectly to the direct care subcomponent from a
209 home office or management company.

210 4. On July 1 of each year, the agency shall report to the
211 Legislature direct and indirect care costs, including average
212 direct and indirect care costs per resident per facility and
213 direct care and indirect care salaries and benefits per category
214 of staff member per facility.

215 5. Every fourth year, the agency shall rebase nursing home
216 prospective payment rates to reflect changes in cost based on
217 the most recently audited cost report for each participating
218 provider.

219 6. A direct care supplemental payment may be made to
220 providers whose direct care hours per patient day are above the
221 80th percentile and who provide Medicaid services to a larger
222 percentage of Medicaid patients than the state average.

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

231 7.8. Pediatric, Florida Department of Veterans Affairs, and
232 government-owned facilities are exempt from the pricing model

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233 established in this subsection and shall remain on a cost-based
234 prospective payment system. Effective October 1, 2018, the
235 agency shall set rates for all facilities remaining on a cost-
236 based prospective payment system using each facility's most
237 recently audited cost report, eliminating retroactive
238 settlements.

239
240 It is the intent of the Legislature that the reimbursement plan
241 achieve the goal of providing access to health care for nursing
242 home residents who require large amounts of care while
243 encouraging diversion services as an alternative to nursing home
244 care for residents who can be served within the community. The
245 agency shall base the establishment of any maximum rate of
246 payment, whether overall or component, on the available moneys
247 as provided for in the General Appropriations Act. The agency
248 may base the maximum rate of payment on the results of
249 scientifically valid analysis and conclusions derived from
250 objective statistical data pertinent to the particular maximum
251 rate of payment. The agency shall base the rates of payments in
252 accordance with the minimum wage requirements as provided in the
253 General Appropriations Act.

254 Reviser's note.—Amended to conform to the expiration of
255 subparagraph 7. pursuant to its own terms, effective
256 September 30, 2023.

257 Section 15. Subsection (2) of section 420.0005, Florida
258 Statutes, is repealed.

259 Reviser's note.—The cited subsection, which relates to use of
260 funds relating to the State Housing Trust Fund and the
261 State Housing Fund for the 2022-2023 fiscal year, expired

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262 pursuant to its own terms, effective July 1, 2023.

263 Section 16. Subsection (3) of section 627.749, Florida
264 Statutes, is repealed.

265 Reviser's note.—The cited subsection, which relates to
266 additional insurance coverage requirements for autonomous
267 vehicles, was repealed pursuant to its own terms, effective
268 January 1, 2024.

269 Section 17. Section 766.105, Florida Statutes, is repealed.

270 Reviser's note.—The cited section, which relates to the Florida
271 Patient's Compensation fund, was repealed pursuant to its
272 own terms, effective January 1, 2024.

273 Section 18. Paragraph (e) of subsection (5) of section
274 796.07, Florida Statutes, is repealed.

275 Reviser's note.—The cited paragraph, which relates to the
276 Soliciting for Prostitution Public Database, was repealed
277 pursuant to its own terms, effective January 1, 2024.

278 Section 19. Section 943.0433, Florida Statutes, is
279 repealed.

280 Reviser's note.—The cited section, which creates the Soliciting
281 for Prostitution Public Database, was repealed pursuant to
282 its own terms, effective January 1, 2024.

283 Section 20. Subsection (11) of section 1001.212, Florida
284 Statutes, is repealed.

285 Reviser's note.—The cited subsection, which relates to a School
286 Hardening and Harm Mitigation Workgroup, was repealed
287 pursuant to its own terms, effective June 30, 2023.

288 Section 21. Paragraph (b) of subsection (1) of section
289 194.032, Florida Statutes, is amended to read:

290 194.032 Hearing purposes; timetable.—

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291 (1)

292 (b) Notwithstanding the provisions of paragraph (a), the
 293 value adjustment board may meet prior to the approval of the
 294 assessment rolls by the Department of Revenue, but not earlier
 295 than July 1, to hear appeals pertaining to the denial by the
 296 property appraiser of exemptions, ~~tax abatements under s.~~
 297 ~~197.3195,~~ tax refunds under s. ss. 197.3181 and 197.319,
 298 agricultural and high-water recharge classifications,
 299 classifications as historic property used for commercial or
 300 certain nonprofit purposes, and deferrals under subparagraphs
 301 (a)2., 3., and 4. In such event, however, the board may not
 302 certify any assessments under s. 193.122 until the Department of
 303 Revenue has approved the assessments in accordance with s.
 304 193.1142 and all hearings have been held with respect to the
 305 particular parcel under appeal.

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

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

310 381.00318 Complaints and investigations regarding mandate
 311 prohibitions; public records exemption.—

312 (1) A complaint alleging a business entity's, a
 313 governmental entity's, or an educational institution's violation
 314 of s. 381.00316, ~~s. 381.00317,~~ or s. 381.00319, and all
 315 information relating to an investigation of such complaint, held
 316 by the Department of Legal Affairs or the Department of Health
 317 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 318 I of the State Constitution until the investigation is completed
 319 or ceases to be active. For purposes of this section, an

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320 investigation is considered "active" while such investigation is
321 being conducted by the Department of Legal Affairs or the
322 Department of Health with a reasonable good faith belief that it
323 may lead to a determination of whether there was a violation of
324 s. 381.00316, ~~s. 381.00317~~, or s. 381.00319. An investigation
325 does not cease to be active if the Department of Legal Affairs
326 or the Department of Health is proceeding with reasonable
327 dispatch and there is a good faith belief that action may be
328 initiated by the Department of Legal Affairs or the Department
329 of Health.

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

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

334 1001.10 Commissioner of Education; general powers and
335 duties.—

336 ~~(9) The commissioner shall review the report of the School
337 Hardening and Harm Mitigation Workgroup regarding hardening and
338 harm mitigation strategies and recommendations submitted by the
339 Office of Safe Schools, pursuant to s. 1001.212(11). By
340 September 1, 2020, the commissioner shall submit a summary of
341 such recommendations to the Governor, the President of the
342 Senate, and the Speaker of the House of Representatives.~~

343 Reviser's note.—Amended to conform to the repeal of s.
344 1001.212(11) by this act and to delete obsolete material.

345 Section 24. Paragraph (b) of subsection (2) of section
346 1002.351, Florida Statutes, is amended to read:

347 1002.351 The Florida School for Competitive Academics.—

348 (2) MISSION.—

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349 (b) To assist in the recruitment of students, the Florida
350 School for Competitive Academics must be included in the school
351 choice online portal established under s. 1001.10(9)
352 ~~1001.10(10)~~. The portal must include information about the
353 opportunity for parents to submit their child's educational
354 records to the Florida School for Competitive Academics for
355 consideration for admission.

356 Reviser's note.—Amended to conform to the repeal of s.
357 1001.10(9) by this act.

358 Section 25. Paragraph (q) of subsection (2) of section
359 1002.82, Florida Statutes, is amended to read:

360 1002.82 Department of Education; powers and duties.—

361 (2) The department shall:

362 (q) Establish a single statewide information system that
363 each coalition must use for the purposes of managing the single
364 point of entry, tracking children's progress, coordinating
365 services among stakeholders, determining eligibility of
366 children, tracking child attendance, and streamlining
367 administrative processes for providers and early learning
368 coalitions. By July 1, 2019, the system, subject to ss. 1002.72
369 and 1002.97, shall:

370 1. Allow a parent to find early learning programs online,
371 including the performance profile under s. 1002.92(3)(a) which
372 must be integrated into the online portal under s. 1001.10(9)
373 ~~1001.10(10)~~.

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

376 3. Enable analysis at the state, regional, and local level
377 to measure child growth over time, program impact, and quality

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378 improvement and investment decisions.

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

380 1001.10(9) by this act.

381 Section 26. Paragraph (a) of subsection (2) of section

382 1003.25, Florida Statutes, is amended to read:

383 1003.25 Procedures for maintenance and transfer of student
384 records.—

385 (2) The procedure for transferring and maintaining records
386 of students who transfer from school to school is prescribed by
387 rules of the State Board of Education. The transfer of records
388 must occur within 5 school days. The records must include, if
389 applicable:

390 (a) Verified reports of serious or recurrent behavior
391 patterns, including any threat assessment report, all
392 corresponding documentation, and any other information required
393 by the Florida-specific behavioral threat assessment instrument
394 pursuant to s. 1001.212(11) ~~1001.212(12)~~ which contains the
395 evaluation, intervention, and management of the threat
396 assessment evaluations and intervention services.

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

398 1001.212(11) by this act.

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

401 1006.07 District school board duties relating to student
402 discipline and school safety.—The district school board shall
403 provide for the proper accounting for all students, for the
404 attendance and control of students at school, and for proper
405 attention to health, safety, and other matters relating to the
406 welfare of students, including:

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407 (7) THREAT MANAGEMENT TEAMS.—Each district school board and
 408 charter school governing board shall establish a threat
 409 management team at each school whose duties include the
 410 coordination of resources and assessment and intervention with
 411 students whose behavior may pose a threat to the safety of the
 412 school, school staff, or students.

413 (a) Upon the availability of a statewide behavioral threat
 414 management operational process developed pursuant to s.
 415 1001.212(11) ~~1001.212(12)~~, all threat management teams shall use
 416 the operational process.

417 (d) Upon the availability of the Florida-specific
 418 behavioral threat assessment instrument developed pursuant to s.
 419 1001.212(11) ~~1001.212(12)~~, all threat management teams shall use
 420 that instrument when evaluating the behavior of students who may
 421 pose a threat to the school, school staff, or students and to
 422 coordinate intervention and services for such students.

423 (i) The threat management team shall prepare a threat
 424 assessment report required by the Florida-specific behavioral
 425 threat assessment instrument developed pursuant to s.
 426 1001.212(11) ~~1001.212(12)~~. A threat assessment report, all
 427 corresponding documentation, and any other information required
 428 by the Florida-specific behavioral threat assessment instrument
 429 in the threat management portal is an education record.
 430 Reviser's note.—Amended to conform to the repeal of s.

431 1001.212(11) by this act.

432 Section 28. Paragraph (b) of subsection (2) of section
 433 1006.1493, Florida Statutes, is amended to read:

434 1006.1493 Florida Safe Schools Assessment Tool.—

435 (2) The FSSAT must help school officials identify threats,

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436 vulnerabilities, and appropriate safety controls for the schools
437 that they supervise, pursuant to the security risk assessment
438 requirements of s. 1006.07(6).

439 (b) The department shall require by contract that the
440 security consulting firm:

441 1. Generate written automated reports on assessment
442 findings for review by the department and school and district
443 officials;

444 2. Provide training to the department and school officials
445 in the use of the FSSAT and other areas of importance identified
446 by the department; and

447 3. Advise in the development and implementation of
448 templates, formats, guidance, and other resources necessary to
449 facilitate the implementation of this section at state,
450 district, school, and local levels. ~~;~~ and

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

455 1001.212(11) by this act.

456 Section 29. This act shall take effect on the 60th day
457 after adjournment sine die of the session of the Legislature in
458 which enacted.