

CHAPTER 2024-3

Senate Bill No. 76

An act relating to the Florida Statutes; repealing ss. 14.2019(5), 112.0441, 119.071(1)(g), 193.1557, 197.3181, 197.3182, 197.3195, 216.181(11)(e), 220.27, 288.860(5), 327.4109(6), 338.165(3)(b), 381.00317, 420.0005(2), 627.749(3), 766.105, 796.07(5)(e), 943.0433, and 1001.212(11), F.S., and amending s. 409.908(2)(b), 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 2023 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending ss. 194.032, 381.00318, 1001.10, 1002.351, 1002.82, 1003.25, 1006.07, and 1006.1493, F.S., to conform to changes made by this act; providing an effective date.

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

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 Subsection (5) of section 14.2019, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which relates to the First Responders Suicide Deterrence Task Force, was repealed pursuant to its own terms, effective July 1, 2023.

Section 2. Section 112.0441, Florida Statutes, is repealed.

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

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 Paragraph (g) of subsection (1) of section 119.071, Florida Statutes, is repealed.

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held by an agency pursuant to the Local Update of Census Addresses Program authorized under 13 U.S.C. s. 16, was repealed pursuant to its own terms, effective October 2, 2023.

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 Section 193.1557, Florida Statutes, is repealed.

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note.—The cited section, which relates to assessment of certain property damaged or destroyed by Hurricane Michael, was repealed pursuant to its own terms, effective December 31, 2023.

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 Section 197.3181, Florida Statutes, is repealed.

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

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 Section 197.3182, Florida Statutes, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid-eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

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

1. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate prices shall be calculated for each patient care subcomponent, initially based on the September 2016 rate setting cost reports and subsequently based on the most recently audited cost report used during a rebasing year. The direct care subcomponent of the per diem rate for any providers still being reimbursed on a cost basis shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider target. The ceilings and targets apply only to providers being reimbursed on a cost-based system. Effective October 1, 2018, a prospective payment methodology shall be implemented for rate setting purposes with the following parameters:

a. Peer Groups, including:

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

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

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

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

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

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

c. Floors:

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

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

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

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

e. Quality Incentive Program Payment Pool.....10 percent of September 2016 non-property related payments of included facilities.

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

g. Fair Rental Value System Payment Parameters:

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

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

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

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

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

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

6. A direct care supplemental payment may be made to providers whose direct care hours per patient day are above the 80th percentile and who

provide Medicaid services to a larger percentage of Medicaid patients than the state average.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

194.032 Hearing purposes; timetable.—

(1)

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

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

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

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

(1) A complaint alleging a business entity's, a governmental entity's, or an educational institution's violation of s. 381.00316, ~~s. 381.00317~~, or s. 381.00319, and all information relating to an investigation of such complaint, held by the Department of Legal Affairs or the Department of Health is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active. For purposes of this section, an investigation is considered "active" while such investigation is being conducted by the Department of Legal Affairs or the Department of Health with a reasonable good faith belief that it may lead to a determination of whether there was a violation of s. 381.00316, ~~s. 381.00317~~, or s. 381.00319. An investigation does not cease to be active if the Department of Legal Affairs or the Department of Health is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the Department of Legal Affairs or the Department of Health.

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

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

1001.10 Commissioner of Education; general powers and duties.—

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

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

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

1002.351 The Florida School for Competitive Academics.—

(2) MISSION.—

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

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

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

1002.82 Department of Education; powers and duties.—

(2) The department shall:

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

1. Allow a parent to find early learning programs online, including the performance profile under s. 1002.92(3)(a) which must be integrated into the online portal under s. ~~1001.10(9)~~ 1001.10(10).
2. Allow a parent to monitor the development of his or her child as the child moves among programs within the state.
3. Enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.

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

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

1003.25 Procedures for maintenance and transfer of student records.—

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

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

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

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

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

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

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

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

(i) The threat management team shall prepare a threat assessment report required by the Florida-specific behavioral threat assessment instrument developed pursuant to s. ~~1001.212(11)~~ ~~1001.212(12)~~. A threat assessment report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat assessment instrument in the threat management portal is an education record.

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

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

1006.1493 Florida Safe Schools Assessment Tool.—

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

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

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

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

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

~~4. Review recommendations of the School Hardening and Harm Mitigation Workgroup established under s. 1001.212(11) to address physical security measures identified by the FSSAT.~~

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

Section 29. 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 February 15, 2024.

Filed in Office Secretary of State February 15, 2024.