

By Representatives Gottlieb, Barreiro, Villalobos, Fasano, Argenziano, Greenstein, Sobel, Wasserman Schultz, Rayson, Heyman, Wilson, Betancourt, Chestnut, Logan and Cosgrove

1                                   A bill to be entitled  
2           An act relating to developmental disabilities;  
3           amending s. 393.063, F.S.; redefining  
4           "intermediate care facility for the  
5           developmentally disabled" and "residential  
6           habilitation center"; defining "least  
7           restrictive" with respect to placements of  
8           persons with developmental disabilities;  
9           amending s. 393.0651, F.S.; revising criteria  
10          for the placement of clients; amending s.  
11          393.067, F.S.; requiring periodic unannounced  
12          inspections and reviews of residential  
13          facilities and comprehensive transitional  
14          education programs; providing for the licensure  
15          of facilities as intermediate care facilities  
16          for the developmentally disabled; amending s.  
17          393.068, F.S.; deleting legislative recognition  
18          of deinstitutionalization; amending s. 393.13,  
19          F.S.; revising legislative intent with respect  
20          to treatment and services for persons with  
21          developmental disabilities; providing for an  
22          annual plan for implementation of treatment  
23          programs; providing for priority of legislative  
24          funding; providing for civil actions to enforce  
25          the rights of such persons; providing for  
26          recovery of damages, costs, and attorney's  
27          fees; amending ss. 409.906 and 409.908, F.S.;  
28          revising requirements for Medicaid  
29          reimbursement for intermediate care facility  
30          for the developmentally disabled services;  
31          amending ss. 92.53, 914.16, 914.17, and 918.16,

1 F.S.; correcting cross references; repealing  
2 ss. 393.165 and 393.166, F.S., which provide  
3 legislative findings and provide for licensure  
4 of facilities under the Intermediate Care  
5 Facility for the Developmentally Disabled  
6 Program; providing an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Present subsections (30) and (42) of  
11 section 393.063, Florida Statutes, 1998 Supplement, are  
12 amended, present subsections (32) through (54) are renumbered  
13 as subsections (33) through (55), respectively, and a new  
14 subsection (32) is added to said section, to read:

15 393.063 Definitions.--For the purposes of this  
16 chapter:

17 (30) "Intermediate care facility for the  
18 developmentally disabled" or "ICF/DD" means a  
19 ~~state-owned-and-operated~~ residential facility licensed in  
20 accordance with state law, and certified by the Federal  
21 Government pursuant to the Social Security Act, as a provider  
22 of Medicaid services to persons who are mentally retarded or  
23 who have related conditions. ~~The capacity of such a facility~~  
24 ~~shall not be more than 120 clients.~~

25 (32) "Least restrictive" means a placement,  
26 residential or otherwise, that maximizes opportunities for the  
27 most normalized lifestyle possible for an individual with  
28 developmental disabilities based on that individual's unique  
29 needs.

30 (43)~~(42)~~ "Residential habilitation center" means a  
31 community residential facility operated primarily for the

1 diagnosis, treatment, habilitation, or rehabilitation of its  
2 residents, which facility provides, in a structured  
3 residential setting, individualized continuing evaluation,  
4 planning, 24-hour supervision, and coordination and  
5 integration of health or rehabilitative services to help each  
6 resident reach his or her maximum functioning capabilities.  
7 The capacity of such a facility shall not be less than nine  
8 residents. ~~After October 1, 1989, no new residential~~  
9 ~~habilitation centers shall be licensed and the licensed~~  
10 ~~capacity shall not be increased for any existing residential~~  
11 ~~habilitation center.~~

12 Section 2. Subsection (5) of section 393.0651, Florida  
13 Statutes, is amended to read:

14 393.0651 Family or individual support plan.--The  
15 department shall provide for an appropriate family support  
16 plan for children ages birth to 18 years of age and an  
17 individual support plan for each client. The parent or  
18 guardian of the client or, if competent, the client, or, when  
19 appropriate, the client advocate, shall be consulted in the  
20 development of the plan and shall receive a copy of the plan.  
21 Each plan shall include the most appropriate, least  
22 restrictive, and most cost-beneficial environment for  
23 accomplishment of the objectives for client progress and a  
24 specification of all services authorized. The plan shall  
25 include provisions for the most appropriate level of care for  
26 the client. Within the specification of needs and services for  
27 each client, when residential care is necessary, the  
28 department shall move toward placement of clients in  
29 residential facilities based within the client's community.  
30 The ultimate goal of each plan, whenever possible, shall be to  
31 enable the client to live a dignified life in the least

1 restrictive setting possible, based on the individual's unique  
2 needs, ~~be that in the home or in the community.~~ For children  
3 under 6 years of age, the family support plan shall be  
4 developed within the 45-day application period as specified in  
5 s. 393.065(1); for all applicants 6 years of age or older, the  
6 family or individual support plan shall be developed within  
7 the 60-day period as specified in that subsection.

8 (5) The department shall place a client in the most  
9 appropriate and least restrictive, and cost-beneficial,  
10 residential facility according to his or her individual  
11 habilitation plan. The parent or guardian of the client or, if  
12 competent, the client, or, when appropriate, the client  
13 advocate, and the administrator of the residential facility to  
14 which placement is proposed shall be consulted in determining  
15 the appropriate placement for the client. ~~Considerations for~~  
16 ~~placement shall be made in the following order:~~

17 (a) ~~Client's own home or the home of a family member~~  
18 ~~or direct service provider.~~

19 (b) ~~Foster care facility.~~

20 (c) ~~Group home facility.~~

21 (d) ~~Intermediate care facility for the developmentally~~  
22 ~~disabled.~~

23 (e) ~~Other facilities licensed by the department which~~  
24 ~~offer special programs for people with developmental~~  
25 ~~disabilities.~~

26 (f) ~~Developmental services institution.~~

27 Section 3. Subsections (2), (3), (9), (11), and (19)  
28 of section 393.067, Florida Statutes, 1998 Supplement, are  
29 amended to read:

30 393.067 Licensure of residential facilities and  
31 comprehensive transitional education programs.--

1           (2) The department shall conduct inspections and  
2 reviews of residential facilities and comprehensive  
3 transitional education programs at least annually. In  
4 addition, the department shall periodically make unannounced  
5 inspections and reviews. These unannounced inspections and  
6 reviews shall occur on weekends, evenings, nights, holidays,  
7 and during regular business hours.

8           (3) An application for a license for a residential  
9 facility or a comprehensive transitional education program  
10 shall be made to the department ~~of Health and Rehabilitative~~  
11 ~~Services~~ on a form furnished by it and shall be accompanied by  
12 the appropriate license fee.

13           (9) The department and the Agency for Health Care  
14 Administration, after consultation with the Department of  
15 Community Affairs, shall adopt rules for residential  
16 facilities under the respective regulatory jurisdiction of  
17 each establishing minimum standards for the preparation and  
18 annual update of a comprehensive emergency management plan.  
19 At a minimum, the rules must provide for plan components that  
20 address emergency evacuation transportation; adequate  
21 sheltering arrangements; postdisaster activities, including  
22 emergency power, food, and water; postdisaster transportation;  
23 supplies; staffing; emergency equipment; individual  
24 identification of residents and transfer of records; and  
25 responding to family inquiries. The comprehensive emergency  
26 management plan for all intermediate care facilities for the  
27 developmentally disabled, facilities serving seven or more  
28 people, and homes serving individuals who have complex medical  
29 conditions is subject to review and approval by the local  
30 emergency management agency. During its review, the local  
31 emergency management agency shall ensure that the following

1 agencies, at a minimum, are given the opportunity to review  
2 the plan: the Agency for Health Care Administration, the  
3 Department of Children and Family ~~Health and Rehabilitative~~  
4 Services, and the Department of Community Affairs. Also,  
5 appropriate volunteer organizations must be given the  
6 opportunity to review the plan. The local emergency  
7 management agency shall complete its review within 60 days and  
8 either approve the plan or advise the facility of necessary  
9 revisions.

10 (11) The department's ~~department may~~ conduct  
11 unannounced inspections and reviews, whether announced or  
12 unannounced, shall be designed to determine compliance by  
13 residential facilities and comprehensive transitional  
14 education programs with the applicable provisions of this  
15 chapter and the rules adopted pursuant hereto, including the  
16 rules adopted for training staff of a facility or a program to  
17 detect and prevent sexual abuse of residents and clients. The  
18 facility or program shall make copies of inspection reports  
19 available to the public upon request.

20 (19) The department shall develop a plan by March 15,  
21 1991, to phase out all of the unlicensed beds in developmental  
22 services institutions by December 30, 1999, and, contingent  
23 upon appropriations, ensure that all beds operating after that  
24 date are licensed as intermediate care facilities for the  
25 developmentally disabled. This plan must address among other  
26 issues the transfer of funds from developmental services  
27 institutions to the community.

28 Section 4. Subsection (1) of section 393.068, Florida  
29 Statutes, is amended to read:

30 393.068 Family care program.--

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1           (1) The family care program is established for the  
2 purpose of providing services and support to families and  
3 individuals with developmental disabilities in order to  
4 maintain the individual in the home environment and avoid  
5 costly out-of-home residential placement. ~~The Legislature~~  
6 ~~recognizes the importance of family support in the long-range~~  
7 ~~success of deinstitutionalization.~~ Services and support  
8 available to families and individuals with developmental  
9 disabilities shall emphasize community living and enable  
10 individuals with developmental disabilities to enjoy typical  
11 lifestyles. Support and flexibility in coordinating support  
12 and services are core elements in caring for the individual  
13 who is developmentally disabled. One way to accomplish this is  
14 to recognize that families are the greatest resource available  
15 to individuals who have developmental disabilities and that  
16 families must be supported in their role as primary care  
17 givers. Services and support authorized under this program  
18 shall include the services listed under s. 393.066(4) and, in  
19 addition, shall include, but not be limited to:  
20           (a) Attendant care.  
21           (b) Barrier-free modifications to the home.  
22           (c) Home visitation by agency workers.  
23           (d) In-home subsidies.  
24           (e) Low-interest loans.  
25           (f) Parent training.  
26           (g) Respite care.  
27           (h) Modifications for vehicles used to transport the  
28 individual with a developmental disability.  
29           (i) Facilitated communication.  
30           (j) Family counseling.  
31           (k) Equipment and supplies.

- 1           (1) Self-advocacy training.  
2           (m) Roommate services.  
3           (n) Integrated community activities.  
4           (o) Emergency services.  
5           (p) Support coordination.  
6           (q) Other support services as identified by the family  
7 or individual.

8           Section 5. Paragraphs (b) and (d) of subsection (2) of  
9 section 393.13, Florida Statutes, are amended, and subsection  
10 (8) is added to said section, to read:

11           393.13 Personal treatment of persons who are  
12 developmentally disabled.--

13           (2) LEGISLATIVE INTENT.--

14           (b) The Legislature further finds and declares that  
15 the design and delivery of treatment and services to persons  
16 who are developmentally disabled should be directed by the  
17 principles of normalization and therefore should:

18           ~~1. Abate the use of large institutions.~~

19           1.2. Continue the development of community-based  
20 services as an alternative to institutional placement when  
21 appropriate and based on the individual's unique needs which  
22 provide reasonable alternatives to institutionalization in  
23 settings that are least restrictive to the client.

24           ~~2.3. Provide training and education to individuals who~~  
25 are developmentally disabled which will maximize their  
26 potential to lead independent and productive lives and which  
27 will, when appropriate, afford opportunities for outward  
28 mobility from institutions.

29           (d) It is the intent of the Legislature that all  
30 persons with developmental disabilities shall have all the  
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1 rights enjoyed by all other citizens of the state and the  
2 United States and, therefore, the Legislature intends:

3 1. To articulate the existing legal and human rights  
4 of persons who are developmentally disabled so that they may  
5 be exercised and protected. ~~Persons with developmental~~  
6 ~~disabilities shall have all the rights enjoyed by citizens of~~  
7 ~~the state and the United States.~~

8 2. To provide a mechanism for the identification,  
9 evaluation, and treatment of persons with developmental  
10 disabilities.

11 3. To divert those individuals from institutional  
12 commitment who, by virtue of individualized comprehensive  
13 assessment, can live ~~be placed~~ in a community residence or  
14 intermediate care facility for the developmentally disabled in  
15 their community ~~less costly, more effective community~~  
16 ~~environments and programs.~~

17 4. To develop an annual ~~a~~ plan which will indicate the  
18 most effective and efficient manner in which to implement  
19 treatment programs and residential placements which are  
20 meaningful to individuals with developmental disabilities,  
21 while safeguarding and respecting the legal and human rights  
22 of such individuals. Each annual plan shall review and revise  
23 the previous year's annual plan.

24 5. Once the annual plan developed under ~~the provisions~~  
25 ~~of~~ subparagraph 4. is presented to the Legislature, to fund  
26 the recommended treatment programs and residential placements  
27 to the fullest extent possible within ~~improvements in the~~  
28 program in accordance with the availability of state  
29 resources, and to make such funding a legislative priority  
30 ~~yearly priorities determined by the Legislature.~~

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1           6. To ensure that persons with developmental  
2 disabilities receive treatment and habilitation which fosters  
3 the developmental potential of the individual.

4           7. To provide programs for the proper habilitation and  
5 treatment of persons with developmental disabilities which  
6 shall include, but not be limited to, comprehensive  
7 medical/dental care, education, recreation, specialized  
8 therapies, training, social services, transportation,  
9 guardianship, family care programs, day services, and  
10 habilitative and rehabilitative services suited to the needs  
11 of the individual regardless of age, degree of disability, ~~or~~  
12 ~~handicapping condition, or ability. No person with~~  
13 ~~developmental disabilities shall be deprived of these~~  
14 ~~enumerated services by reason of inability to pay.~~

15           8. To facilitate ~~fully effectuate~~ the normalization  
16 principle through the establishment of community services for  
17 persons with developmental disabilities as an ~~a viable and~~  
18 ~~practical~~ alternative to institutional care, when appropriate,  
19 at each stage of individual life development.

20           9. To ensure that if care in a residential facility  
21 becomes necessary, residential placements ~~it~~ shall be in the  
22 least restrictive setting possible based on the individual's  
23 unique needs.

24           (8) CIVIL ENFORCEMENT.--

25           (a) Any person with a developmental disability whose  
26 rights as specified in this section are deprived or infringed  
27 upon shall have an action against any licensee or state agency  
28 responsible for the violation. The action may be brought by  
29 the individual or his or her guardian, by a person or  
30 organization acting on behalf of the individual with the  
31 consent of the individual or his or her guardian, or by the

1 personal representative of the estate of a deceased individual  
2 when the cause of death resulted from the deprivation of or  
3 infringement upon the decedent's rights. The action may be  
4 brought in any court of competent jurisdiction to enforce such  
5 rights and to recover actual and punitive damages for any  
6 deprivation of or infringement upon the rights of an  
7 individual. Any plaintiff who prevails in any such action may  
8 be entitled to recover reasonable attorney's fees, costs of  
9 the action, and damages, unless the court finds that the  
10 plaintiff has acted in bad faith, with malicious purpose, and  
11 that there was a complete absence of a justiciable issue of  
12 either law or fact. Prevailing defendants may be entitled to  
13 recover reasonable attorney's fees pursuant to s. 57.105. The  
14 remedies provided in this subsection are in addition to and  
15 cumulative with other legal and administrative remedies  
16 available to an individual and to the agency.

17 (b) Attorney's fees shall be based on the following  
18 criteria:

- 19 1. The time and labor required.
- 20 2. The novelty and difficulty of the questions.
- 21 3. The skill requisite to perform the legal services  
22 properly.
- 23 4. The preclusion of other employment by the attorney  
24 due to the acceptance of the case.
- 25 5. The customary fee.
- 26 6. Whether the fee is fixed or contingent.
- 27 7. The amount involved or the results obtained.
- 28 8. The experience, reputation, and ability of the  
29 attorney.
- 30 9. The type of fee arrangement between the attorney  
31 and the client.

1           10. Whether the relevant market requires a contingency  
2 fee multiplier to obtain competent counsel.

3           11. Whether the attorney was able to mitigate the risk  
4 of nonpayment in any way.

5           (c) For the purposes of this subsection, punitive  
6 damages may be awarded for conduct which is willful, wanton,  
7 gross or flagrant, reckless, or consciously indifferent to the  
8 rights of the individual.

9           Section 6. Subsection (15) of section 409.906, Florida  
10 Statutes, 1998 Supplement, is amended to read:

11           409.906 Optional Medicaid services.--Subject to  
12 specific appropriations, the agency may make payments for  
13 services which are optional to the state under Title XIX of  
14 the Social Security Act and are furnished by Medicaid  
15 providers to recipients who are determined to be eligible on  
16 the dates on which the services were provided. Any optional  
17 service that is provided shall be provided only when medically  
18 necessary and in accordance with state and federal law.  
19 Nothing in this section shall be construed to prevent or limit  
20 the agency from adjusting fees, reimbursement rates, lengths  
21 of stay, number of visits, or number of services, or making  
22 any other adjustments necessary to comply with the  
23 availability of moneys and any limitations or directions  
24 provided for in the General Appropriations Act or chapter 216.  
25 Optional services may include:

26           (15) INTERMEDIATE CARE FACILITY FOR THE  
27 DEVELOPMENTALLY DISABLED SERVICES.--For the purposes of  
28 Medicaid reimbursement, "intermediate care facility for the  
29 developmentally disabled services" means services provided by  
30 a facility which is licensed ~~owned and operated~~ by the state  
31 and certified pursuant to federal regulations in 42 C.F.R. and

1 to which the agency may pay for health-related care and  
2 services provided on a 24-hour-a-day basis, for a recipient  
3 who needs such care because of a developmental disability or  
4 related condition.

5 Section 7. Paragraph (a) of subsection (2) and  
6 subsection (8) of section 409.908, Florida Statutes, 1998  
7 Supplement, are amended to read:

8 409.908 Reimbursement of Medicaid providers.--Subject  
9 to specific appropriations, the agency shall reimburse  
10 Medicaid providers, in accordance with state and federal law,  
11 according to methodologies set forth in the rules of the  
12 agency and in policy manuals and handbooks incorporated by  
13 reference therein. These methodologies may include fee  
14 schedules, reimbursement methods based on cost reporting,  
15 negotiated fees, competitive bidding pursuant to s. 287.057,  
16 and other mechanisms the agency considers efficient and  
17 effective for purchasing services or goods on behalf of  
18 recipients. Payment for Medicaid compensable services made on  
19 behalf of Medicaid eligible persons is subject to the  
20 availability of moneys and any limitations or directions  
21 provided for in the General Appropriations Act or chapter 216.  
22 Further, nothing in this section shall be construed to prevent  
23 or limit the agency from adjusting fees, reimbursement rates,  
24 lengths of stay, number of visits, or number of services, or  
25 making any other adjustments necessary to comply with the  
26 availability of moneys and any limitations or directions  
27 provided for in the General Appropriations Act, provided the  
28 adjustment is consistent with legislative intent.

29 (2)(a)1. Reimbursement to nursing homes licensed under  
30 part II of chapter 400 and ~~state-owned-and-operated~~

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1 intermediate care facilities for the developmentally disabled  
2 licensed under chapter 393 must be made prospectively.  
3         2. Unless otherwise limited or directed in the General  
4 Appropriations Act, reimbursement to hospitals licensed under  
5 part I of chapter 395 for the provision of swing-bed nursing  
6 home services must be made on the basis of the average  
7 statewide nursing home payment, and reimbursement to a  
8 hospital licensed under part I of chapter 395 for the  
9 provision of skilled nursing services must be made on the  
10 basis of the average nursing home payment for those services  
11 in the county in which the hospital is located. When a  
12 hospital is located in a county that does not have any  
13 community nursing homes, reimbursement must be determined by  
14 averaging the nursing home payments, in counties that surround  
15 the county in which the hospital is located. Reimbursement to  
16 hospitals, including Medicaid payment of Medicare copayments,  
17 for skilled nursing services shall be limited to 30 days,  
18 unless a prior authorization has been obtained from the  
19 agency. Medicaid reimbursement may be extended by the agency  
20 beyond 30 days, and approval must be based upon verification  
21 by the patient's physician that the patient requires  
22 short-term rehabilitative and recuperative services only, in  
23 which case an extension of no more than 15 days may be  
24 approved. Reimbursement to a hospital licensed under part I of  
25 chapter 395 for the temporary provision of skilled nursing  
26 services to nursing home residents who have been displaced as  
27 the result of a natural disaster or other emergency may not  
28 exceed the average county nursing home payment for those  
29 services in the county in which the hospital is located and is  
30 limited to the period of time which the agency considers  
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1 necessary for continued placement of the nursing home  
2 residents in the hospital.

3 (8) A provider of home-based or community-based  
4 services rendered pursuant to a federally approved waiver  
5 shall be reimbursed based on an established or negotiated rate  
6 for each service. These rates shall be established according  
7 to an analysis of the expenditure history and prospective  
8 budget developed by each contract provider participating in  
9 the waiver program, or under any other methodology adopted by  
10 the agency and approved by the Federal Government in  
11 accordance with the waiver. ~~Effective July 1, 1996, privately~~  
12 ~~owned and operated community-based residential facilities~~  
13 ~~which meet agency requirements and which formerly received~~  
14 ~~Medicaid reimbursement for the optional intermediate care~~  
15 ~~facility for the mentally retarded service may participate in~~  
16 ~~the developmental services waiver as part of a~~  
17 ~~home and community-based continuum of care for Medicaid~~  
18 ~~recipients who receive waiver services.~~

19 Section 8. Subsection (1) of section 92.53, Florida  
20 Statutes, is amended to read:

21 92.53 Videotaping of testimony of victim or witness  
22 under age 16 or person with mental retardation.--

23 (1) On motion and hearing in camera and a finding that  
24 there is a substantial likelihood that a victim or witness who  
25 is under the age of 16 or who is a person with mental  
26 retardation as defined in s. 393.063(45)~~(41)~~would suffer at  
27 least moderate emotional or mental harm due to the presence of  
28 the defendant if the child or person with mental retardation  
29 is required to testify in open court, or that such victim or  
30 witness is otherwise unavailable as defined in s. 90.804(1),  
31 the trial court may order the videotaping of the testimony of

1 the victim or witness in a case, whether civil or criminal in  
2 nature, in which videotaped testimony is to be utilized at  
3 trial in lieu of trial testimony in open court.

4 Section 9. Section 914.16, Florida Statutes, is  
5 amended to read:

6 914.16 Child abuse and sexual abuse of victims under  
7 age 16 or persons with mental retardation; limits on  
8 interviews.--The chief judge of each judicial circuit, after  
9 consultation with the state attorney and the public defender  
10 for the judicial circuit, the appropriate chief law  
11 enforcement officer, and any other person deemed appropriate  
12 by the chief judge, shall provide by order reasonable limits  
13 on the number of interviews that a victim of a violation of s.  
14 794.011, s. 800.04, or s. 827.03 who is under 16 years of age  
15 or a victim of a violation of s. 794.011, s. 800.02, s.  
16 800.03, or s. 825.102 who is a person with mental retardation  
17 as defined in s. 393.063(45)~~(41)~~ must submit to for law  
18 enforcement or discovery purposes. The order shall, to the  
19 extent possible, protect the victim from the psychological  
20 damage of repeated interrogations while preserving the rights  
21 of the public, the victim, and the person charged with the  
22 violation.

23 Section 10. The introductory paragraph of subsection  
24 (2) of section 914.17, Florida Statutes, is amended to read:

25 914.17 Appointment of advocate for victims or  
26 witnesses who are minors or persons with mental retardation.--

27 (2) An advocate shall be appointed by the court to  
28 represent a person with mental retardation as defined in s.  
29 393.063(45)~~(41)~~ in any criminal proceeding if the person with  
30 mental retardation is a victim of or witness to abuse or  
31 neglect, or if the person with mental retardation is a victim



1 of a sexual offense or a witness to a sexual offense committed  
2 against a minor or person with mental retardation. The court  
3 may appoint an advocate in any other criminal proceeding in  
4 which a person with mental retardation is involved as either a  
5 victim or a witness. The advocate shall have full access to  
6 all evidence and reports introduced during the proceedings,  
7 may interview witnesses, may make recommendations to the  
8 court, shall be noticed and have the right to appear on behalf  
9 of the person with mental retardation at all proceedings, and  
10 may request additional examinations by medical doctors,  
11 psychiatrists, or psychologists. It is the duty of the  
12 advocate to perform the following services:

13 Section 11. Section 918.16, Florida Statutes, is  
14 amended to read:

15 918.16 Sex offenses; testimony of person under age 16  
16 or person with mental retardation; courtroom cleared;  
17 exceptions.--In the trial of any case, civil or criminal, when  
18 any person under the age of 16 or any person with mental  
19 retardation as defined in s. 393.063(45)~~(41)~~is testifying  
20 concerning any sex offense, the court shall clear the  
21 courtroom of all persons except parties to the cause and their  
22 immediate families or guardians, attorneys and their  
23 secretaries, officers of the court, jurors, newspaper  
24 reporters or broadcasters, court reporters, and at the request  
25 of the victim, victim or witness advocates designated by the  
26 state attorney's office.

27 Section 12. Sections 393.165 and 393.166, Florida  
28 Statutes, are repealed.

29 Section 13. This act shall take effect July 1, 1999.  
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HOUSE SUMMARY

Revises criteria for licensure of facilities for persons with developmental disabilities and for placement of clients in those facilities. Requires periodic unannounced inspections and reviews of residential facilities and comprehensive education programs. Revises legislative intent, under "The Bill of Rights of Persons who are Developmentally Disabled," with respect to the treatment and services provided to such persons. Provides legislative intent for development of annual plans for implementation of treatment programs and residential placements, and for making funding of such implementation a legislative priority. Provides for civil actions to enforce the rights of persons with developmental disabilities. Provides for recovery of actual and punitive damages, and costs and attorney's fees. Revises requirements for Medicaid reimbursement for intermediate care facility for the developmentally disabled services.