

By the Committee on Rules & Calendar and Representative
Arnall

1 A bill to be entitled
2 An act relating to obsolete, expired, or
3 repealed provisions of law; repealing various
4 provisions of law that have become obsolete,
5 have had their effect, have served their
6 purpose, or have been impliedly repealed or
7 superseded; repealing s. 393.067(18), F.S.,
8 relating to a plan to phase out unlicensed beds
9 in developmental services institutions;
10 repealing s. 393.22(2), F.S., relating to
11 review and identification of programs that have
12 barriers to services for clients based on
13 categorical disabilities and development of a
14 plan to eliminate barriers to appropriate
15 services; repealing ss. 393.31, 393.32, and
16 393.50, F.S., relating to the extended
17 employment program for developmentally disabled
18 persons; repealing s. 393.063(21) and (22),
19 F.S., relating to the definitions of "extended
20 employee" and "extended employment," to
21 conform; amending ss. 92.53, 400.464, 914.16,
22 914.17, and 918.16, F.S.; revising cross
23 references, to conform; repealing s.
24 393.501(3), F.S., relating to a deadline for
25 adoption of rules on policies and procedures
26 affecting clients or applicants, and their
27 families, under ch. 393, F.S., the
28 Developmental Disabilities Prevention and
29 Community Services Act; repealing s. 394.47865,
30 F.S., relating to privatization of the South
31 Florida State Hospital; repealing s.

1 397.407(2), F.S., relating to a report to the
2 Legislature on the level of licensure fees
3 needed to cover the cost of regulation of
4 substance abuse service providers; repealing s.
5 400.4415, F.S., relating to the assisted living
6 facilities advisory committee; repealing s.
7 410.504, F.S., relating to the
8 multidisciplinary center on elderly living
9 environments; repealing s. 419.002, F.S.,
10 relating to the statewide registry of licensed
11 community residential homes; repealing s.
12 430.710, F.S., relating to the long-term care
13 interagency advisory council; repealing s. 142,
14 ch. 95-418, Laws of Florida, relating to the
15 Panel for the Study of Skilled Nursing Care;
16 repealing s. 5, ch. 98-85, Laws of Florida,
17 relating to a workgroup on Medicaid patient
18 access to nursing home beds; providing an
19 effective date.

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

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23 Section 1. Subsection (18) of section 393.067, Florida
24 Statutes, is repealed.

25 Section 2. Subsection (2) of section 393.22, Florida
26 Statutes, is repealed.

27 Section 3. Subsections (21) and (22) of section
28 393.063, Florida Statutes, and sections 393.31, 393.32, and
29 393.50, Florida Statutes, are repealed.

30 Section 4. Subsection (1) of section 92.53, Florida
31 Statutes, is amended to read:

1 92.53 Videotaping of testimony of victim or witness
2 under age 16 or person with mental retardation.--
3 (1) On motion and hearing in camera and a finding that
4 there is a substantial likelihood that a victim or witness who
5 is under the age of 16 or who is a person with mental
6 retardation as defined in s. 393.063(42)~~(44)~~would suffer at
7 least moderate emotional or mental harm due to the presence of
8 the defendant if the child or person with mental retardation
9 is required to testify in open court, or that such victim or
10 witness is otherwise unavailable as defined in s. 90.804(1),
11 the trial court may order the videotaping of the testimony of
12 the victim or witness in a case, whether civil or criminal in
13 nature, in which videotaped testimony is to be utilized at
14 trial in lieu of trial testimony in open court.
15 Section 5. Paragraph (b) of subsection (6) of section
16 400.464, Florida Statutes, is amended to read:
17 400.464 Home health agencies to be licensed;
18 expiration of license; exemptions; unlawful acts; penalties.--
19 (6) The following are exempt from the licensure
20 requirements of this part:
21 (b) Home health services provided by a state agency,
22 either directly or through a contractor with:
23 1. The Department of Elderly Affairs.
24 2. The Department of Health, a community health
25 center, or a rural health network that furnishes home visits
26 for the purpose of providing environmental assessments, case
27 management, health education, personal care services, family
28 planning, or followup treatment, or for the purpose of
29 monitoring and tracking disease.
30 3. Services provided to persons who have developmental
31 disabilities, as defined in s. 393.063(11).

1 4. Companion and sitter organizations that were
2 registered under s. 440.509(1) on January 1, 1999, and were
3 authorized to provide personal services under s.
4 393.063(33)~~(35)~~ under a developmental services provider
5 certificate on January 1, 1999, may continue to provide such
6 services to past, present, and future clients of the
7 organization who need such services, notwithstanding the
8 provisions of this act.

9 5. The Department of Children and Family Services.

10 Section 6. Section 914.16, Florida Statutes, is
11 amended to read:

12 914.16 Child abuse and sexual abuse of victims under
13 age 16 or persons with mental retardation; limits on
14 interviews.--The chief judge of each judicial circuit, after
15 consultation with the state attorney and the public defender
16 for the judicial circuit, the appropriate chief law
17 enforcement officer, and any other person deemed appropriate
18 by the chief judge, shall provide by order reasonable limits
19 on the number of interviews that a victim of a violation of s.
20 794.011, s. 800.04, or s. 827.03 who is under 16 years of age
21 or a victim of a violation of s. 794.011, s. 800.02, s.
22 800.03, or s. 825.102 who is a person with mental retardation
23 as defined in s. 393.063(42)~~(44)~~ must submit to for law
24 enforcement or discovery purposes. The order shall, to the
25 extent possible, protect the victim from the psychological
26 damage of repeated interrogations while preserving the rights
27 of the public, the victim, and the person charged with the
28 violation.

29 Section 7. Subsection (2) of section 914.17, Florida
30 Statutes, is amended to read:

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1 914.17 Appointment of advocate for victims or
2 witnesses who are minors or persons with mental retardation.--
3 (2) An advocate shall be appointed by the court to
4 represent a person with mental retardation as defined in s.
5 393.063(42)~~(44)~~ in any criminal proceeding if the person with
6 mental retardation is a victim of or witness to abuse or
7 neglect, or if the person with mental retardation is a victim
8 of a sexual offense or a witness to a sexual offense committed
9 against a minor or person with mental retardation. The court
10 may appoint an advocate in any other criminal proceeding in
11 which a person with mental retardation is involved as either a
12 victim or a witness. The advocate shall have full access to
13 all evidence and reports introduced during the proceedings,
14 may interview witnesses, may make recommendations to the
15 court, shall be noticed and have the right to appear on behalf
16 of the person with mental retardation at all proceedings, and
17 may request additional examinations by medical doctors,
18 psychiatrists, or psychologists. It is the duty of the
19 advocate to perform the following services:
20 (a) To explain, in language understandable to the
21 person with mental retardation, all legal proceedings in which
22 the person shall be involved;
23 (b) To act, as a friend of the court, to advise the
24 judge, whenever appropriate, of the person with mental
25 retardation's ability to understand and cooperate with any
26 court proceedings; and
27 (c) To assist the person with mental retardation and
28 the person's family in coping with the emotional effects of
29 the crime and subsequent criminal proceedings in which the
30 person with mental retardation is involved.
31

1 Section 8. Subsection (1) of section 918.16, Florida
2 Statutes, is amended to read:

3 918.16 Sex offenses; testimony of person under age 16
4 or person with mental retardation; testimony of victim;
5 courtroom cleared; exceptions.--

6 (1) Except as provided in subsection (2), in the trial
7 of any case, civil or criminal, when any person under the age
8 of 16 or any person with mental retardation as defined in s.
9 393.063~~(42)~~~~(44)~~ is testifying concerning any sex offense, the
10 court shall clear the courtroom of all persons except parties
11 to the cause and their immediate families or guardians,
12 attorneys and their secretaries, officers of the court,
13 jurors, newspaper reporters or broadcasters, court reporters,
14 and, at the request of the victim, victim or witness advocates
15 designated by the state attorney's office.

16 Section 9. Subsection (3) of section 393.501, Florida
17 Statutes, is repealed.

18 Section 10. Section 394.47865, Florida Statutes, is
19 repealed.

20 Section 11. Subsection (2) of section 397.407, Florida
21 Statutes, is repealed.

22 Section 12. Section 400.4415, Florida Statutes, is
23 repealed.

24 Section 13. Section 410.504, Florida Statutes, is
25 repealed.

26 Section 14. Section 419.002, Florida Statutes, is
27 repealed.

28 Section 15. Section 430.710, Florida Statutes, is
29 repealed.

30 Section 16. Section 142 of chapter 95-418, Laws of
31 Florida, is repealed.

1 Section 17. Section 5 of chapter 98-85, Laws of
2 Florida, is repealed.

3 Section 18. This act shall take effect upon becoming a
4 law.

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7 HOUSE SUMMARY

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9 Repeals various provisions of law that have become
10 obsolete, have had their effect, have served their
11 purpose, or have been impliedly repealed or superseded.
12 Repeals provisions relating to a plan to phase out
13 unlicensed beds in developmental services institutions;
14 review and identification of programs that have barriers
15 to services for clients based on categorical disabilities
16 and development of a plan to eliminate barriers to
17 appropriate services; the extended employment program for
18 developmentally disabled persons; a deadline for adoption
19 of rules on policies and procedures affecting clients or
20 applicants, and their families, under ch. 393, F.S., the
21 Developmental Disabilities Prevention and Community
22 Services Act; privatization of the South Florida State
23 Hospital; a report to the Legislature on the level of
24 licensure fees needed to cover the cost of regulation of
25 substance abuse service providers; the assisted living
26 facilities advisory committee; the multidisciplinary
27 center on elderly living environments; the statewide
28 registry of licensed community residential homes; the
29 long-term care interagency advisory council; the Panel
30 for the Study of Skilled Nursing Care; and a workgroup on
31 Medicaid patient access to nursing home beds.