

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3 repealed provisions of law; repealing various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6 purpose, or have been impliedly repealed or
7 superseded; repealing s. 393.067(18), F.S.,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.
30 397.407(2), F.S., relating to a report to the
31 Legislature on the level of licensure fees

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

16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Subsection (18) of section 393.067, Florida
19 Statutes, is repealed.

20 Section 2. Subsection (2) of section 393.22, Florida
21 Statutes, is repealed.

22 Section 3. Subsections (21) and (22) of section
23 393.063, Florida Statutes, and sections 393.31, 393.32, and
24 393.50, Florida Statutes, are repealed.

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

27 92.53 Videotaping of testimony of victim or witness
28 under age 16 or person with mental retardation.--

29 (1) On motion and hearing in camera and a finding that
30 there is a substantial likelihood that a victim or witness who
31 is under the age of 16 or who is a person with mental

1 retardation as defined in s. 393.063(42)~~(44)~~would suffer at
2 least moderate emotional or mental harm due to the presence of
3 the defendant if the child or person with mental retardation
4 is required to testify in open court, or that such victim or
5 witness is otherwise unavailable as defined in s. 90.804(1),
6 the trial court may order the videotaping of the testimony of
7 the victim or witness in a case, whether civil or criminal in
8 nature, in which videotaped testimony is to be utilized at
9 trial in lieu of trial testimony in open court.

10 Section 5. Paragraph (b) of subsection (6) of section
11 400.464, Florida Statutes, is amended to read:

12 400.464 Home health agencies to be licensed;
13 expiration of license; exemptions; unlawful acts; penalties.--

14 (6) The following are exempt from the licensure
15 requirements of this part:

16 (b) Home health services provided by a state agency,
17 either directly or through a contractor with:

- 18 1. The Department of Elderly Affairs.
- 19 2. The Department of Health, a community health
20 center, or a rural health network that furnishes home visits
21 for the purpose of providing environmental assessments, case
22 management, health education, personal care services, family
23 planning, or followup treatment, or for the purpose of
24 monitoring and tracking disease.
- 25 3. Services provided to persons who have developmental
26 disabilities, as defined in s. 393.063(11).
- 27 4. Companion and sitter organizations that were
28 registered under s. 440.509(1) on January 1, 1999, and were
29 authorized to provide personal services under s.
30 393.063(33)~~(35)~~under a developmental services provider
31 certificate on January 1, 1999, may continue to provide such

1 services to past, present, and future clients of the
2 organization who need such services, notwithstanding the
3 provisions of this act.

4 5. The Department of Children and Family Services.

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

7 914.16 Child abuse and sexual abuse of victims under
8 age 16 or persons with mental retardation; limits on
9 interviews.--The chief judge of each judicial circuit, after
10 consultation with the state attorney and the public defender
11 for the judicial circuit, the appropriate chief law
12 enforcement officer, and any other person deemed appropriate
13 by the chief judge, shall provide by order reasonable limits
14 on the number of interviews that a victim of a violation of s.
15 794.011, s. 800.04, or s. 827.03 who is under 16 years of age
16 or a victim of a violation of s. 794.011, s. 800.02, s.
17 800.03, or s. 825.102 who is a person with mental retardation
18 as defined in s. 393.063(42)~~(44)~~ must submit to for law
19 enforcement or discovery purposes. The order shall, to the
20 extent possible, protect the victim from the psychological
21 damage of repeated interrogations while preserving the rights
22 of the public, the victim, and the person charged with the
23 violation.

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

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

28 (2) An advocate shall be appointed by the court to
29 represent a person with mental retardation as defined in s.
30 393.063(42)~~(44)~~ in any criminal proceeding if the person with
31 mental retardation is a victim of or witness to abuse or

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

14 (a) To explain, in language understandable to the
15 person with mental retardation, all legal proceedings in which
16 the person shall be involved;

17 (b) To act, as a friend of the court, to advise the
18 judge, whenever appropriate, of the person with mental
19 retardation's ability to understand and cooperate with any
20 court proceedings; and

21 (c) To assist the person with mental retardation and
22 the person's family in coping with the emotional effects of
23 the crime and subsequent criminal proceedings in which the
24 person with mental retardation is involved.

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

27 918.16 Sex offenses; testimony of person under age 16
28 or person with mental retardation; testimony of victim;
29 courtroom cleared; exceptions.--

30 (1) Except as provided in subsection (2), in the trial
31 of any case, civil or criminal, when any person under the age

1 of 16 or any person with mental retardation as defined in s.
2 393.063(42)~~(44)~~ is testifying concerning any sex offense, the
3 court shall clear the courtroom of all persons except parties
4 to the cause and their immediate families or guardians,
5 attorneys and their secretaries, officers of the court,
6 jurors, newspaper reporters or broadcasters, court reporters,
7 and, at the request of the victim, victim or witness advocates
8 designated by the state attorney's office.

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

11 Section 10. Subsection (2) of section 397.407, Florida
12 Statutes, is repealed.

13 Section 11. Section 400.4415, Florida Statutes, is
14 repealed.

15 Section 12. Section 419.002, Florida Statutes, is
16 repealed.

17 Section 13. Section 430.710, Florida Statutes, is
18 repealed.

19 Section 14. Section 142 of chapter 95-418, Laws of
20 Florida, is repealed.

21 Section 15. Section 5 of chapter 98-85, Laws of
22 Florida, is repealed.

23 Section 16. This act shall take effect upon becoming a
24 law.