

## Senate Bill No. 1762

An act relating to obsolete, expired, or repealed provisions of law; repealing various provisions of law that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 393.067(18), F.S., relating to a plan to phase out unlicensed beds in developmental services institutions; repealing s. 393.22(2), F.S., relating to review and identification of programs that have barriers to services for clients based on categorical disabilities and development of a plan to eliminate barriers to appropriate services; repealing ss. 393.31, 393.32, and 393.50, F.S., relating to the extended employment program for developmentally disabled persons; repealing s. 393.063(21) and (22), F.S., relating to the definitions of “extended employee” and “extended employment,” to conform; amending ss. 92.53, 400.464, 914.16, 914.17, and 918.16, F.S.; conforming cross-references; repealing s. 393.501(3), F.S., relating to a deadline for adoption of rules on policies and procedures affecting clients or applicants, and their families, under ch. 393, F.S., the Developmental Disabilities Prevention and Community Services Act; repealing s. 397.407(2), F.S., relating to a report to the Legislature on the level of licensure fees needed to cover the cost of regulation of substance abuse service providers; repealing s. 400.4415, F.S., relating to the assisted living facilities advisory committee; repealing s. 419.002, F.S., relating to the statewide registry of licensed community residential homes; repealing s. 430.710, F.S., relating to the long-term care interagency advisory council; repealing s. 142, ch. 95-418, Laws of Florida, relating to the Panel for the Study of Skilled Nursing Care; repealing s. 5, ch. 98-85, Laws of Florida, relating to a workgroup on Medicaid patient access to nursing home beds; providing an effective date.

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

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 Subsection (18) of section 393.067, Florida Statutes, is repealed.

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 Subsection (2) of section 393.22, Florida Statutes, is repealed.

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(21) and (22) of section 393.063, Florida Statutes, and sections 393.31, 393.32, and 393.50, Florida Statutes, are repealed.

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

92.53 Videotaping of testimony of victim or witness under age 16 or person with mental retardation.—

(1) On motion and hearing in camera and a finding that there is a substantial likelihood that a victim or witness who is under the age of 16 or who is a person with mental retardation as defined in s. 393.063~~(42)~~(44) would

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

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

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

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

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

1. The Department of Elderly Affairs.
2. The Department of Health, a community health center, or a rural health network that furnishes home visits for the purpose of providing environmental assessments, case management, health education, personal care services, family planning, or followup treatment, or for the purpose of monitoring and tracking disease.
3. Services provided to persons who have developmental disabilities, as defined in s. 393.063(11).
4. Companion and sitter organizations that were registered under s. 440.509(1) on January 1, 1999, and were authorized to provide personal services under s. 393.063(33)(35) under a developmental services provider certificate on January 1, 1999, may continue to provide such services to past, present, and future clients of the organization who need such services, notwithstanding the provisions of this act.
5. The Department of Children and Family Services.

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

914.16 Child abuse and sexual abuse of victims under age 16 or persons with mental retardation; limits on interviews.—The chief judge of each judicial circuit, after consultation with the state attorney and the public defender for the judicial circuit, the appropriate chief law enforcement officer, and any other person deemed appropriate by the chief judge, shall provide by order reasonable limits on the number of interviews that a victim of a violation of s. 794.011, s. 800.04, or s. 827.03 who is under 16 years of age or a victim of a violation of s. 794.011, s. 800.02, s. 800.03, or s. 825.102 who is a person with mental retardation as defined in s. 393.063(42)(44) must submit to for law enforcement or discovery purposes. The order shall, to the extent possible, protect the victim from the psychological damage of

repeated interrogations while preserving the rights of the public, the victim, and the person charged with the violation.

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

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

(2) An advocate shall be appointed by the court to represent a person with mental retardation as defined in s. 393.063~~(42)~~(44) in any criminal proceeding if the person with mental retardation is a victim of or witness to abuse or neglect, or if the person with mental retardation is a victim of a sexual offense or a witness to a sexual offense committed against a minor or person with mental retardation. The court may appoint an advocate in any other criminal proceeding in which a person with mental retardation is involved as either a victim or a witness. The advocate shall have full access to all evidence and reports introduced during the proceedings, may interview witnesses, may make recommendations to the court, shall be noticed and have the right to appear on behalf of the person with mental retardation at all proceedings, and may request additional examinations by medical doctors, psychiatrists, or psychologists. It is the duty of the advocate to perform the following services:

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

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

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

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

918.16 Sex offenses; testimony of person under age 16 or person with mental retardation; testimony of victim; courtroom cleared; exceptions.—

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

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

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

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

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

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

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

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

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

Approved by the Governor June 20, 2000.

Filed in Office Secretary of State June 20, 2000.