

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1762

SPONSOR: Senator McKay

SUBJECT: Obsolete, Expired, or Repealed Provisions of Law

DATE: March 17, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

A review was conducted of Florida Statutes using criteria to identify provisions that have expired (a certain due date or implementation date that has passed) or are obsolete because they have outlived their operational usefulness, a program is no longer funded, or other statutes supersede.

SB 1762 repeals or amends provisions of Florida Statutes and Laws of Florida relating to various programs and services that were identified as meeting the above criteria and are under the jurisdiction of the Department of Children and Family Services, Department of Health, or the former Department of Health and Rehabilitative Services.

- The bill repeals obsolete sections of ch. 393, F.S., related to Developmental Services.
- The requirement that the Department of Children & Family Services prepare a report on licensure fees for substance abuse providers is repealed.
- The advisory committee for assisted living facilities is repealed.
- The requirement that the Department of Children & Family Services create and maintain a statewide registry of community residential homes is repealed.
- The long term care interagency advisory council is repealed.
- The Medicaid workgroup on access to nursing home beds and the Panel for the Study of Skilled Nursing Care are repealed from chapter law.

This bill amends sections 92.53, 400.464, 914.16, 914.17, 918.16, of the Florida Statutes; repeals sections 393.067(18), 393.22(2), 393.063(21) and (22), 393.31, 393.32, 393.50, 393.501(3), 393.407(2), 400.4415, 419.002, 430.710, of the Florida Statutes; and repeals section 142 of chapter 95-418, Laws of Florida, and section 5 of chapter 98-85, Laws of Florida.

## II. Present Situation:

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. The final list of some one thousand original sections of Florida law contained an identification of statutory sections which shared one or more of the following characteristics:

1. A reference to a dormant board, council, or other non-governing authority;
2. A provision rendered obsolete due to the passage of time;
3. A requirement which was nonrecurring due to the completion of the activity;
4. A statement of legislative intent, findings, or purpose so generalized as to provide no specific interpretive guidance on the context or particularity of the statute or its application;
5. A cross-reference to another section which was otherwise repealed;
6. The use of boilerplate language, such as a severability clause, which is assumed as part of legislative style and drafting or of judicial interpretation;
7. The creation of a short title, or popular name, unrelated to the purpose of the statute;
8. The use of archaic language or descriptions; or
9. A redundancy in text or reference no longer needed.

The statutory provisions contained in SB 1760 include the following:

1. Section 393.067, F.S., relates to the licensure of residential facilities and comprehensive transitional education programs in the developmental services program.
2. Section 393.22(2), F.S., relates to the Department of Children and Family Services conducting a review to identify developmental services programs which have barriers to services for clients based on categorical disabilities. The department is directed to develop a plan for eliminating any barriers to appropriate services, including a fiscal impact statement, for presentation to the Legislature by March 1, 1989.
3. Section 393.063,(21)(22) F.S., includes definitions of “extended employment” and “extended employee” relating to the developmental services program.

Section 393.31, F.S., authorizes the Department of Children and Family Services to contract with a rehabilitation workshop facility for providing extended employment to developmentally disabled persons.

Section 393.32, F.S., includes eligibility and standards of service for extended employees with a developmental disability over 16 years of age who are unable to enter the competitive labor market as a result of their disability.

Section 393.50, F.S., states the purpose of the extended employment program designed for developmentally disabled persons who are over 16 years of age and are, as a result of their disability, unable to enter the competitive labor market.

4. Section 92.53, F.S., relates to videotaping of testimony of victims or witnesses with mental retardation.

5. Section 400.464, F.S., relates to the licensure of home health agencies.

6. Section 914.16, F.S., relates to child abuse and sexual abuse of victims with mental retardation.

7. Section 914.17, F.S., relates to the appointment of advocates for victims or witnesses with mental retardation.

8. Section 918.16, F.S., relates to sex offenses and the testimony of persons with mental retardation.

9. Section 393.501, F.S., includes rulemaking provisions for ch. 393, F.S., the developmental services program.

10. Section 397.407(2), F.S., relates to a report to the Legislature by December 1, 1997, regarding the need to expand licensure fees for substance abuse programs.

11. Section 400.4415, F.S., relates to the assisted living facility advisory committee responsible for supporting the Agency for Health Care Administration in developing and implementing a pilot rating system for facilities.

12. Section 419.002, F.S., relates to the statewide registry of all licensed community residential homes in the Department of Children and Family Services.

13. Section 430.710, F.S., relates to the long-term care interagency advisory council within the Department of Elderly Affairs responsible for advising the Secretary of the department on matters related to the long-term care community diversion pilot projects.

14. Section 142 of ch. 95-418, L.O.F., relates to the Panel for the Study of Skilled Nursing Care in the Agency for Health Care Administration.

15. Section 5 of ch. 98-85, L.O.F., relates to the interagency workgroup in the Agency for Health Care Administration which is directed to providing a report on Medicaid nursing home beds by December 31, 1999, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

### III. Effect of Proposed Changes:

**Section 1.** Section 393.067(18), F.S., is repealed relating to the development of a plan by March 15, 1991, to phase out all unlicensed beds in developmental services institutions by December 30, 1999, and to address the transfer of funds from developmental services institutions to the community. All beds in developmental services are now licensed.

**Section 2.** Section 393.22(2), F.S., is repealed relating to the Department of Children and Family Services conducting a review and preparing a report to the Legislature by March 1, 1989, identifying developmental services programs which have barriers to services for clients based on categorical disabilities. The Department of Children and Family Services states that the report cannot be located.

**Section 3.** Section 393.063(21)(22), F.S., is repealed relating to the definitions of “extended employment” and “extended employee” in the developmental services program. Sections 393.31, 393.32, and 393.50, F.S., are also repealed relating to employment programs for developmental services programs. These sections are unnecessary because “supported employment” for this population is defined in s. 393.063(51), F.S., and includes provisions for all supported employment programs.

**Section 4.** Section 92.53, F.S., is amended to correct a cross reference in s. 393.063, F.S.

**Section 5.** Section 400.464, F.S., is amended to correct a cross reference in s. 393.063, F.S.

**Section 6.** Section 914.16, F.S., is amended to correct cross a reference in s. 393.063, F.S.

**Section 7.** Section 914.17, F.S., is amended to correct a cross reference in s. 393.063, F.S.

**Section 8.** Section 918.16, F.S., is amended to correct a cross reference in s. 393.063, F.S.

**Section 9.** Section 393.501(3), F.S., is repealed relating to a directive to the former Department of Health and Rehabilitative Services to adopt rules by January 1, 1992, that incorporated developmental services policies and procedures which were in existence at the time affecting clients or applicants and their families.

**Section 10.** Section 397.407(2), F.S., is repealed relating to a report that was due to the Legislature on December 1, 1997, regarding the need to expand licensure fees for substance abuse programs; the report was completed.

**Section 11.** Section 400.4415, F.S., is repealed relating to the assisted living facility advisory committee responsible for supporting the Agency for Health Care Administration in developing and implementing a pilot rating system for facilities. This rating system was never implemented.

**Section 12.** Section 419.002, F.S., is repealed relating to the statewide registry of all licensed community residential homes in the Department of Children and Family Services. This registration

is no longer needed by the Department of Children and Family Services because each residential home is licensed under the appropriate licensure law.

**Section 13.** Section 430.710, F.S., is repealed relating to the long-term care interagency advisory council within the Department of Elderly Affairs responsible for advising the Secretary of the department on matters related to the long-term care community diversion pilot projects. The Department of Elderly Affairs reports that the advisory council is no longer active.

**Section 14.** Section 142 of ch. 95-418, L.O.F., is repealed relating to the Panel for the Study of Skilled Nursing Care in the Agency for Health Care Administration; the report was completed.

**Section 15.** Section 5 of ch. 98-85, L.O.F., is repealed relating to the interagency workgroup in the Agency for Health Care Administration which submitted a report on Medicaid nursing home beds on December 31, 1999, to the Governor, the President of the Senate, and the Speaker of the House of Representatives; the report was completed.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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