

**STORAGE NAME:** h1985.cfe

**DATE:** April 14, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CHILDREN AND FAMILY EMPOWERMENT  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1985 (PCB CFE 97-02)

**RELATING TO:** Human Rights Advocacy Committee

**SPONSOR(S):** Committee on Children and Family Empowerment and Representative Brennan

**STATUTE(S) AFFECTED:** This bill amends the following sections of the Florida Statutes:  
402.165, 402.166, 402.167, 393.13, 394.459, 394.4595, 394.4597,  
394.4598, 394.4599, 394.3615, 400.0067, 400.0089, 400.419,  
400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501,  
415.505, and 415.51.

**COMPANION BILL(S):** SB 880 [Similar]

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CHILDREN AND FAMILY EMPOWERMENT YEAS 7 NAYS 0
- (2)
- (3)
- (4)
- (5)

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I. SUMMARY:

House Bill 1985 changes the name of the Statewide Human Rights Advocacy Committee to the Statewide Human Rights Advocacy Council and the composition of the membership is modified. Term limits for members of the statewide council are changed from three years to four years. The bill revises the membership of the statewide council. The local human rights advocacy committees are changed to councils as well. The bill allows any district of the Department of Children and Family Services that has a developmental services institution or a state mental health hospital may petition the statewide council to establish a separate council to serve the facility population.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Statewide Human Rights Advocacy Committee is responsible for serving as an independent third-party mechanism to protect the constitutional and human rights of any client within a program or facility operated, funded, licensed, or regulated by the Department of Children and Family Services (formerly the Department of Health and Rehabilitative Services). This is accomplished by monitoring, through a site visit and the inspection of records, the delivery and use of services, programs, or facilities operated, funded, regulated or licensed by the Department of Children and Family Services (department). Further, the statewide committee receives, investigates, and resolves reports of abuse or deprivation of constitutional and human rights that have been referred by the district committees. The statewide committee also reviews existing programs or services and new or revised programs of the department and makes recommendations as to how the rights of clients are affected relative to these programs or services. Although the department is responsible for providing administrative support to the committee, the committee is not subject to control, supervision or direction by the department in the performance of its duties.

The statewide committee is composed of 15 citizens, one representing each service district of the department, and except for the elected official, each person must have been a member of the district committee. These members must represent five groups of citizens:

- One elected public official;
- Two providers who deliver services or programs to clients of the department;
- Four nonsalaried representatives of nonprofit agencies or civic groups;
- Four representatives of consumer groups who are currently receiving, or have received, services from the department within the past four years, at least one of whom must be a consumer; and
- Four residents of the state who do not represent any of these groups, two of whom represent health-related professions and two of whom represent the legal profession.

Statewide council members are appointed to serve a 3-year term and may serve for two terms.

At least one district human rights advocacy committee is created in each of the 15 service districts of the department and each district may have no more than three advocacy committees. Service district II, however, is permitted to have four committees. Although not stated in statute, the executive director of the statewide council reports that the reason district II has an additional council is that one council is assigned exclusively to Florida State Hospital. The district administrator in each district must assign staff to provide administrative support to the local councils. The staff who are assigned to the local committees must perform the functions required by the local committee without interference from the department.

B. EFFECT OF PROPOSED CHANGES:

PCB CFE 97-02 changes the name of the Statewide Human Rights Advocacy Committee to the Statewide Human Rights Advocacy Council and the composition of the membership is modified. Term limits for members of the statewide council are changed from three years to four years. The bill revises the membership of the statewide council. The local human rights advocacy committees are changed to councils as well. The bill allows any district of the Department of Children and Family Services that has a developmental services institution or a state mental health hospital may petition the statewide council to establish a separate council to serve the facility population.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. *Does the bill create, increase or reduce, either directly or indirectly:*

The Statewide Human Rights Advocacy Committee is currently responsible for serving as an independent third-party mechanism to protect the constitutional and human rights of any client within a program or facility operated, funded, licensed, or regulated by the Department of Children and Family Services. The bill does not expand or reduce this responsibility.

i. *Any authority to make rules or adjudicate disputes?*

No

ii. *Any new responsibilities, obligations or work for other governmental or private organizations or individuals?*

No

iii. *Any entitlement to a government service or benefit?*

No

b. *If an agency or program is eliminated or reduced:*

i. *What responsibilities, costs and powers are passed on to another program, agency, level or government, or private entity?*

N/A

ii. *What is the cost of such responsibility at the new level/agency?*

N/A

iii. *How is the new agency accountable to the people governed?*

N/A

2. Lower Taxes:

a. *Does the bill increase anyone's taxes?*

No

b. *Does the bill require or authorize an increase in any fees?*

No

c. *Does the bill reduce total taxes, both rates and revenues?*

No

d. *Does the bill reduce total fees, both rates and revenues?*

No

e. *Does the bill authorize any fee or tax increase by any local government?*

No

3. Personal Responsibility:

a. *Does the bill reduce or eliminate an entitlement to government services or subsidy?*

No

b. *Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?*

No

4. Individual Freedom:

a. *Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?*

No

b. *Does the bill prohibit, or create new government interference with, any presently lawful activity?*

No

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

I. *Who evaluates the family's needs?*

N/A

- ii. *Who makes the decisions?*

N/A

- iii. *Are private alternatives permitted?*

N/A

- iv. *Are families required to participate in a program?*

N/A

- v. *Are families penalized for not participating in a program?*

N/A

- b. *Does the bill directly affect the legal rights and obligations between family members?*

No

- c. *If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:*

- i. *Parents and guardians?*

N/A

- ii. *Services providers?*

N/A

- iii. *Government employees/agencies?*

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 402.165, Florida Statutes, 1996 Supplement

Changes the name of the statewide "committee" to a statewide "council" and the "district committees" to "local councils."

The number of members of the statewide council remains the same, one from each service district of the department, but the affiliation of the members is modified as follows:

- One provider who delivers services or programs to clients of the department;

- Two nonsalaried representatives of nonprofit agencies or civic groups;
- Four representatives of consumer groups who are currently receiving, or have received, services from the department within the past four years, at least one of whom must be a consumer; and
- Two residents of the state who do not represent any of the other groups, one of whom represents health-related professions and one of whom represents the legal profession.

The bill goes on to state that in making appointments to the statewide council, priority must be given to appointing at least:

- One elected official;
- One additional health professional;
- One additional legal professional;
- Two additional nonsalaried representatives of nonprofit agencies or civic groups; and
- One individual whose primary area of interest, experience or expertise is a major client group of the department which is not represented on the council at the time of appointment.

**Section 2. Amends s. 402.166, Florida Statutes, 1996 Supplement**

Changes the name of the "district committees" to "local councils." Allows a local council to petition the statewide council to create a separate council for a developmental services institution as defined in s. 393.063, or a state mental health hospital.

Statewide council members may serve terms of four years, to include those members who are currently serving their terms. A member may serve two full, consecutive terms.

**Section 3. Amends s. 402.167, Florida Statutes**

This section makes technical and conforming changes.

**Section 4. Amends paragraphs (g) and (l) of subsection (4) and subsection (7) of s. 393.13, Florida Statutes, 1996 Supplement**

This section makes technical and conforming changes.

**Section 5. Amends paragraph (c) of subsection (5) and subsection (12) of s. 394.459, Florida Statutes, 1996 Supplement**

This section makes technical and conforming changes.

**Section 6. Amends s. 394.4595, Florida Statutes, 1996 Supplement**

This section makes technical and conforming changes.

**Section 7. Amends paragraph (d) of subsection (2) of s. 394.4597, Florida Statutes, 1996 Supplement**

This section makes technical and conforming changes.

Section 8. Amends subsection (1) of s. 394.4598, Florida Statutes, 1996 Supplement

This section makes technical and conforming changes.

Section 9. Amends paragraph (b) of subsection (2) of s. 394.4599, Florida Statutes, 1996 Supplement

This section makes technical and conforming changes.

Section 10. Amends subsection (5) of s. 394.4615, Florida Statutes, 1996 Supplement

This section makes technical and conforming changes.

Section 11. Amends paragraph (g) of subsection (2) of s. 400.0067, Florida Statutes

This section makes technical and conforming changes.

Section 12. Amends s. 400.0089, Florida Statutes

This section makes technical and conforming changes.

Section 13. Amends subsection (6) of s. 400.419, Florida Statutes

This section makes technical and conforming changes.

Section 14. Amends subsection (2) of s. 400.428, Florida Statutes

This section makes technical and conforming changes.

Section 15. Amends paragraph (a) of subsection (1) of s. 415.1034, Florida Statute

This section makes technical and conforming changes.

Section 16. Amends subsection (1) of s. 415.104, Florida Statutes

This section makes technical and conforming changes.

Section 17. Amends paragraphs (a) and (l) of subsection (1) of s. 415.1055, Florida Statutes

This section makes technical and conforming changes.

Section 18. Amends subsection (2) of s. 415.106, Florida Statutes

This section makes technical and conforming changes.

Section 19. Amends paragraph (g) of subsection (2) of s. 415.107, Florida Statutes, 1996 Supplement

This section makes technical and conforming changes.

Section 20. Amends paragraph (a) of subsection (2) of s. 415.501, Florida Statutes

This section makes technical and conforming changes.

Section 21. Amends paragraph (d) of subsection (2) of s. 415.505, Florida Statutes, 1996 Supplement

This section makes technical and conforming changes.

Section 22. Amends paragraph (k) of subsection (2) of s. 415.51, Florida Statutes, 1996 Supplement

This section makes technical and conforming changes.

Section 23. Provides an effective date of July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

See Fiscal Comment

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None



2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

N/A

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. **FISCAL COMMENTS:**

The provision that permits a local council to petition the statewide council to establish a separate council to serve the population of a developmental services institution or a state mental health hospital may result in a fiscal impact. Although members serve without compensation, they are entitled to per diem and travel expenses. The Statewide Human Rights Advocacy Committee has not requested additional funds and has indicated that the committee anticipates using current resources for costs associated with these new local councils.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take any action requiring the expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

The change to "council" is consistent with the definitions of the terms "committee" and "council" in s. 20.03, F.S. The term "committee" refers to an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution. Its existence terminates upon the completion of its assignment. The term "council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

The change from "district" to "local" councils is a change made at the request of the statewide and local committees. According to the executive director of the statewide committee, this request is made to decrease the association of the committees with department "districts."

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON CHILDREN AND FAMILY EMPOWERMENT:

Prepared by:

Legislative Research Director:

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Bob Barrios

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