

By the Committee on Family Law & Children and
 Representative Lynn

1 A bill to be entitled
 2 An act relating to the transfer of the
 3 statewide and district human rights advocacy
 4 committees; transferring powers, duties, and
 5 functions relating to the Statewide Human
 6 Rights Advocacy Committee and the district
 7 human rights advocacy committees to the
 8 Department of Legal Affairs; providing
 9 legislative intent; amending s. 402.165, F.S.,
 10 relating to the Statewide Human Rights Advocacy
 11 Committee, to conform to the transfer;
 12 providing for interagency agreement; requiring
 13 the Department of Legal Affairs to submit a
 14 specified budget request; amending s. 402.166,
 15 F.S., relating to the district human rights
 16 advocacy committees, to conform to the
 17 transfer; requiring a specified interagency
 18 agreement for the provision of administrative
 19 support; amending s. 402.167, F.S.; requiring
 20 the adoption of rules and specified interagency
 21 agreements; requiring cooperation of the
 22 Secretary of Children and Family Services;
 23 providing an effecting date.

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

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 27 Section 1. All powers, duties and functions, records,
 28 personnel, property, and unexpended balances of
 29 appropriations, allocations, or other funds of the Statewide
 30 Human Rights Advocacy Committee, as created in s. 402.165,
 31 Florida Statutes, and the district human rights advocacy

1 committees, as created in s. 402.166, Florida Statutes, are
2 transferred to the Department of Legal Affairs by a type two
3 transfer, as defined in s. 20.06(2), Florida Statutes. Such
4 transfer shall take effect July 1, 1998. The administrative
5 rules of any agency or department involved in the transfer
6 which are in effect immediately before the transfer shall
7 remain in effect until specifically changed in the manner
8 provided by law.

9 Section 2. It is the intent of the Legislature that by
10 the transfer of the statewide and district human rights
11 advocacy committees to the Department of Legal Affairs,
12 performance evaluation of the Statewide Human Rights Advocacy
13 Committee and of the district human rights advocacy committees
14 will be captured by the performance measures of the Department
15 of Legal Affairs.

16 Section 3. Subsection (1) and paragraph (d) of
17 subsection (5) of section 402.165, Florida Statutes, are
18 amended to read:

19 402.165 Statewide Human Rights Advocacy Committee;
20 confidential records and meetings.--

21 (1) There is created within the Department of Legal
22 Affairs ~~Health and Rehabilitative Services~~ a Statewide Human
23 Rights Advocacy Committee. The Department of Children and
24 Family ~~Health and Rehabilitative Services~~, through interagency
25 agreement with the Department of Legal Affairs, shall provide
26 administrative support and service to the committee to the
27 extent requested by the executive director within available
28 resources. The Statewide Human Rights Advocacy Committee
29 shall not be subject to control, supervision, or direction by
30 the Department of Legal Affairs ~~Health and Rehabilitative~~
31 ~~Services~~ in the performance of its duties. The committee

1 shall consist of 15 citizens, one from each service district
2 of the Department of Children and Family Health and
3 ~~Rehabilitative~~ Services, who broadly represent the interests
4 of the public and the clients of that department. The members
5 shall be representative of five groups of citizens as follows:
6 one elected public official; two providers who deliver
7 services or programs to clients of the Department of Children
8 and Family Health and Rehabilitative Services; four
9 nonsalaried representatives of nonprofit agencies or civic
10 groups; four representatives of health and rehabilitative
11 services consumer groups who are currently receiving, or have
12 received, services from the Department of Children and Family
13 ~~Health and Rehabilitative~~ Services within the past 4 years, at
14 least one of whom must be a consumer; and four residents of
15 the state who do not represent any of the foregoing groups,
16 two of whom represent health-related professions and two of
17 whom represent the legal profession. In appointing the
18 representatives of the health-related professions, the
19 appointing authority shall give priority of consideration to a
20 physician licensed under chapter 458 or chapter 459; and, in
21 appointing the representatives of the legal profession, the
22 appointing authority shall give priority of consideration to a
23 member in good standing of The Florida Bar. Except for the
24 member who is an elected public official, each member of the
25 Statewide Human Rights Advocacy Committee must have served as
26 a member of a district human rights advocacy committee.
27 Persons related to each other by consanguinity or affinity
28 within the third degree may not serve on the Statewide Human
29 Rights Advocacy Committee at the same time.

30 (5)

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1 (d) The Statewide Human Rights Advocacy Committee
2 shall annually prepare a budget request that shall not be
3 subject to change by Department of Legal Affairs staff after
4 it is approved by the committee, but the budget request shall
5 be submitted to the Governor by the Department of Legal
6 Affairs for transmittal to the Legislature. The budget shall
7 include a request for funds to carry out the activities of the
8 Statewide Human Rights Advocacy Committee and the district
9 human rights advocacy committees.

10 Section 4. Subsection (1) of section 402.166, Florida
11 Statutes, is amended to read:

12 402.166 District human rights advocacy committees;
13 confidential records and meetings.--

14 (1) At least one district human rights advocacy
15 committee is created in each service district of the
16 Department of Children and Family ~~Health and Rehabilitative~~
17 ~~Services~~. The district human rights advocacy committees shall
18 be subject to direction from and the supervision of the
19 Statewide Human Rights Advocacy Committee. Through
20 interagency agreement with the Department of Legal Affairs,
21 the district administrator of the Department of Children and
22 Family Services shall assign staff to provide administrative
23 support to the committees, and staff assigned to these
24 positions shall perform the functions required by the
25 committee without interference from the Department of Children
26 and Family Services. The district committees shall direct the
27 activities of staff assigned to them to the extent necessary
28 for the committees to carry out their duties. The number and
29 areas of responsibility of the district human rights advocacy
30 committees, not to exceed three in any district, shall be
31 determined by the majority vote of district committee members.

1 However, district II may have four committees. District
2 committees shall meet at facilities under their jurisdiction
3 whenever possible.

4 Section 5. Section 402.167, Florida Statutes, is
5 amended to read:

6 402.167 Department duties relating to the Statewide
7 Human Rights Advocacy Committee and the District Human Rights
8 Advocacy Committees.--

9 (1) The Department of Legal Affairs ~~Health and~~
10 ~~Rehabilitative Services~~ shall adopt rules which are consistent
11 with law, amended to reflect any statutory changes, which
12 rules address at least the following:

13 (a) An interagency agreement ~~Procedures~~ by which
14 Department of Children and Family ~~Health and Rehabilitative~~
15 Services district staff refer reports of abuse to district
16 human rights advocacy committees.

17 (b) Procedures by which client information is made
18 available to members of the Statewide Human Rights Advocacy
19 Committee and the district human rights advocacy committees.

20 (c) Procedures by which recommendations made by human
21 rights advocacy committees will be incorporated into
22 Department of Children and Family ~~Health and Rehabilitative~~
23 Services policies and procedures.

24 (d) Procedures by which committee members are
25 reimbursed for authorized expenditures.

26 (2) Through an interagency agreement with the
27 Department of Legal Affairs, the Department of Children and
28 Family ~~Health and Rehabilitative~~ Services shall provide for
29 the location of district human rights advocacy committees in
30 district headquarters offices and shall provide necessary
31 equipment and office supplies, including, but not limited to,

1 clerical and word processing services, photocopiers, telephone
2 services, and stationery and other necessary supplies.

3 (3) The Secretary of Children and Family Services
4 shall ensure the full cooperation and assistance of employees
5 of the Department of Children and Family ~~Health and~~
6 ~~Rehabilitative~~ Services with members and staff of the human
7 rights advocacy committees. Further, the secretary shall
8 ensure that to the extent possible, staff assigned to the
9 Statewide Human Rights Advocacy Committees and District Human
10 Rights Advocacy Committees are free of interference from or
11 control by the Department of Children and Family Services in
12 performing their duties relative to those committees.

13 Section 6. This act shall take effect July 1 of the
14 year in which enacted.

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17 HOUSE SUMMARY

18 Transfers powers, duties, and functions relating to the
19 Statewide Human Rights Advocacy Committee and the
20 district human rights advocacy committees from the
21 Department of Children and Family Services to the
22 Department of Legal Affairs. Provides for interagency
23 agreements and cooperation between the two departments.
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