

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 and paragraph (f) is added to subsection (5) of said
19 section to read:

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

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

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

31 (5)

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 (f) This section shall not apply to residents of
11 facilities under the jurisdiction of the State Long Term
12 Ombudsman Council.

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

15 402.166 District human rights advocacy committees;
16 confidential records and meetings.--

17 (1) At least one district human rights advocacy
18 committee is created in each service district of the
19 Department of Children and Family ~~Health and Rehabilitative~~
20 Services. The district human rights advocacy committees shall
21 be subject to direction from and the supervision of the
22 Statewide Human Rights Advocacy Committee. Through
23 interagency agreement with the Department of Legal Affairs,
24 the district administrator of the Department of Children and
25 Family Services shall assign staff to provide administrative
26 support to the committees, and staff assigned to these
27 positions shall perform the functions required by the
28 committee without interference from the Department of Children
29 and Family Services. The district committees shall direct the
30 activities of staff assigned to them to the extent necessary
31 for the committees to carry out their duties. The number and

1 areas of responsibility of the district human rights advocacy
2 committees, not to exceed three in any district, shall be
3 determined by the majority vote of district committee members.
4 However, district II may have four committees. District
5 committees shall meet at facilities under their jurisdiction
6 whenever possible. This section shall not apply to residents
7 of facilities under the jurisdiction of the District Long Term
8 Ombudsman Council.

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

11 402.167 Department duties relating to the Statewide
12 Human Rights Advocacy Committee and the District Human Rights
13 Advocacy Committees.--

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

18 (a) An interagency agreement ~~Procedures~~ by which
19 Department of Children and Family ~~Health and Rehabilitative~~
20 Services district staff refer reports of abuse to district
21 human rights advocacy committees.

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

25 (c) Procedures by which recommendations made by human
26 rights advocacy committees will be incorporated into
27 Department of Children and Family ~~Health and Rehabilitative~~
28 Services policies and procedures.

29 (d) Procedures by which committee members are
30 reimbursed for authorized expenditures.

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1 (2) Through an interagency agreement with the
2 Department of Legal Affairs,the Department of Children and
3 Family Health and Rehabilitative Services shall provide for
4 the location of district human rights advocacy committees in
5 district headquarters offices and shall provide necessary
6 equipment and office supplies, including, but not limited to,
7 clerical and word processing services, photocopiers, telephone
8 services, and stationery and other necessary supplies.

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

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

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