

731-100CX-08

Bill No. CS/CS/HB 383

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Littlefield offered the following:

12

Amendment

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On page 2, line 18, through page 21, line 27,
remove from the bill: all of said lines

16

and insert in lieu thereof:

18

(a) "Client" means a client as defined in s. 393.063,
s. 394.67, s. 397.311, or s. 400.960, a forensic client or
client as defined in s. 916.106, a child or youth as defined
in s. 39.01, a child as defined in s. 827.01, a family as
defined in s. 414.0252, a participant as defined in s.
400.551, a resident as defined in s. 400.402, a Medicaid
recipient or recipient as defined in s. 409.901, a child
receiving childcare as defined in s. 402.302, a disabled adult
as defined in s. 410.032 or s. 410.603, or a victim as defined
in s. 39.01 or s. 415.102 as each definition applies within
its respective chapter.

29

(b) "Client services" means services which are
provided to a client by a state agency or a service provider
operated, funded, or contracted by the state.

31

1 Section 2. Section 402.165, Florida Statutes, is
2 amended to read:

3 402.165 Florida Statewide Advocacy Council ~~Statewide~~
4 ~~Human Rights Advocacy Committee~~; confidential records and
5 meetings.--

6 (1) ~~The~~ ~~There is created within the Department of~~
7 ~~Children and Family Services a~~ Statewide Human Rights Advocacy
8 Committee within the Department of Children and Family
9 Services is redesignated as the Florida Statewide Advocacy
10 Council. Members of the council shall represent the interests
11 of clients who are served by state agencies that provide
12 client services.The Department of Children and Family
13 Services shall provide administrative support and service to
14 the statewide council ~~committee~~ to the extent requested by the
15 executive director within available resources. The statewide
16 council is not ~~Human Rights Advocacy Committee shall not be~~
17 subject to control, supervision, or direction by the
18 Department of Children and Family Services in the performance
19 of its duties. The council ~~committee~~ shall consist of 15
20 residents of this state ~~citizens~~, one from each service area
21 designated by the statewide council ~~district of the Department~~
22 ~~of Children and Family Services~~, who broadly represent the
23 interests of the public and the clients of the state agencies
24 that provide client services ~~that department~~. The members
25 shall be representative of four ~~five~~ groups of state residents
26 citizens as follows: one provider who delivers ~~elected public~~
27 ~~official;~~ two providers who deliver client services as defined
28 in s. 402.164(2); two ~~or~~ programs to clients of the Department
29 ~~of Children and Family Services;~~ four nonsalaried
30 representatives of nonprofit agencies or civic groups; four
31 representatives of ~~health and rehabilitative services~~ consumer

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1 groups who are currently receiving, or have received, client
2 ~~services from the Department of Children and Family Services~~
3 within the past 4 years, at least one of whom must be a
4 consumer of one or more client services; and ~~two~~ four
5 residents of the state who do not represent any of the
6 foregoing groups, ~~one~~ two of whom ~~represents the~~ represent
7 ~~health-related professions and~~ one ~~two~~ of whom ~~represents~~
8 ~~represent~~ the legal profession. In appointing the
9 ~~representative~~ representatives of the health-related
10 professions, the appointing authority shall give priority of
11 consideration to a physician licensed under chapter 458 or
12 chapter 459; and, in appointing the representative
13 ~~representatives~~ of the legal profession, the appointing
14 authority shall give priority of consideration to a member in
15 good standing of The Florida Bar. Of the remaining members, no
16 more than one shall be an elected official; no more than one
17 shall be a health professional; no more than one shall be a
18 legal professional; no more than one shall be a provider; no
19 more than two shall be nonsalaried representatives of
20 nonprofit agencies or civic groups; and no more than one shall
21 be an individual whose primary area of interest, experience,
22 or expertise is a major client group of a client services
23 group that is not represented on the council at the time of
24 appointment. Except for the member who is an elected public
25 official, each member of the statewide council ~~Human Rights~~
26 ~~Advocacy Committee~~ must have served as a member of a Florida
27 advocacy council, with priority consideration given to an
28 applicant who has served a full term on a local council
29 ~~district human rights advocacy committee~~. Persons related to
30 each other by consanguinity or affinity within the third
31 degree may not serve on the statewide council ~~Human Rights~~

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1 ~~Advocacy Committee~~ at the same time.

2 (2) Members of the statewide council ~~Human Rights~~
3 ~~Advocacy Committee~~ shall be appointed to serve terms of 4 ~~3~~
4 years. A member may not serve more than two full consecutive
5 terms. ~~The limitation on the number of terms a member may~~
6 ~~serve applies without regard to whether a term was served~~
7 ~~before or after October 1, 1989.~~

8 (3) If a member of the statewide council ~~Human Rights~~
9 ~~Advocacy Committee~~ fails to attend two-thirds of the regular
10 council ~~committee~~ meetings during the course of a year, the
11 position held by the ~~such~~ member may be deemed vacant by the
12 council ~~committee~~. The Governor shall fill the vacancy
13 pursuant to subsection (4). If a member of the statewide
14 council ~~violates~~ ~~Human Rights Advocacy Committee is in~~
15 ~~violation of the provisions of this section or procedures~~
16 ~~adopted under this section thereto~~, the council ~~committee~~ may
17 recommend to the Governor that the ~~such~~ member be removed.

18 (4) The Governor shall fill each vacancy on the
19 statewide council ~~Human Rights Advocacy Committee~~ from a list
20 of nominees submitted by the statewide council ~~committee~~. A
21 list of candidates may ~~shall~~ be submitted to the statewide
22 council ~~by the local council in the service area~~ ~~committee by~~
23 ~~the district human rights advocacy committee in the district~~
24 from which the vacancy occurs. Priority of consideration
25 shall be given to the appointment of an individual who is
26 receiving one or more client services and whose primary
27 interest, experience, or expertise lies with a major client
28 group that is ~~of the Department of Children and Family~~
29 ~~Services~~ not represented on the council ~~committee~~ at the time
30 of the appointment. If an appointment is not made within 60
31 days after a vacancy occurs on the statewide council

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1 ~~committee~~, the vacancy ~~may shall~~ be filled by a majority vote
2 of the statewide council committee without further action by
3 the Governor. ~~A No~~ person who is employed by any state agency
4 in client ~~the Department of Children and Family~~ services may
5 not be appointed to the statewide council committee.

6 (5)(a) Members of the statewide council ~~Human Rights~~
7 ~~Advocacy Committee~~ shall receive no compensation, but are
8 ~~shall be~~ entitled to be reimbursed for per diem and travel
9 expenses in accordance with s. 112.061.

10 (b) The council committee shall select an executive
11 director who shall serve at the pleasure of the council
12 ~~committee~~ and shall perform the duties delegated to him or her
13 by the council committee. The compensation of the executive
14 director and staff shall be established in accordance with the
15 rules of the Selected Exempt Service.

16 (c) The council committee may apply for, receive, and
17 accept grants, gifts, donations, bequests, and other payments
18 including money or property, real or personal, tangible or
19 intangible, and service from any governmental or other public
20 or private entity or person and make arrangements as to the
21 use of same.

22 (d) The statewide council ~~Human Rights Advocacy~~
23 ~~Committee~~ shall annually prepare a budget request that is not
24 to be changed ~~shall not be subject to change~~ by department
25 staff after it is approved by the council committee, but ~~the~~
26 ~~budget request~~ shall be submitted to the Governor ~~by the~~
27 ~~department~~ for transmittal to the Legislature. The budget
28 shall include a request for funds to carry out the activities
29 of the statewide council and the local councils ~~Human Rights~~
30 ~~Advocacy Committee and the district human rights advocacy~~
31 ~~committees~~.

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1 (6) The members of the statewide council ~~Human Rights~~
2 ~~Advocacy Committee~~ shall elect a chair and a vice chair to
3 terms ~~chairperson to a term~~ of 1 year. A person may not serve
4 as chair or vice chair ~~chairperson~~ for more than two full
5 consecutive terms.

6 (7) The responsibilities of the statewide council
7 ~~committee~~ include, but are not limited to:

8 (a) Serving as an independent third-party mechanism
9 for protecting the constitutional and human rights of clients
10 within programs or facilities ~~any client within a program or~~
11 ~~facility~~ operated, funded, or contracted by any state agency
12 that provides client ~~licensed, or regulated by the Department~~
13 ~~of Children and Family~~ services.

14 (b) Monitoring by site visit and inspection of
15 records, the delivery and use of services, programs, or
16 facilities operated, funded, or contracted by any state agency
17 that provides client ~~regulated, or licensed by the Department~~
18 ~~of Children and Family~~ services, for the purpose of preventing
19 abuse or deprivation of the constitutional and human rights of
20 clients. The statewide council ~~Human Rights Advocacy~~
21 ~~Committee~~ may conduct an unannounced site visit or monitoring
22 visit that involves the inspection of records if the ~~such~~
23 visit is conditioned upon a complaint. A complaint may be
24 generated by the council ~~committee~~ itself if information from
25 any state agency that provides client services or from ~~the~~
26 ~~Department of Children and Family Services~~ or other sources
27 indicates a situation at the program or facility that
28 indicates possible abuse or neglect or deprivation of the
29 constitutional and human rights of clients. The statewide
30 council ~~Human Rights Advocacy Committee~~ shall establish and
31 follow uniform criteria for the review of information and

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1 generation of complaints. Routine program monitoring and
2 reviews that do not require an examination of records may be
3 made unannounced.

4 (c) Receiving, investigating, and resolving reports of
5 abuse or deprivation of constitutional and human rights
6 referred to the statewide council by a local council ~~Human
7 Rights Advocacy Committee by a district human rights advocacy
8 committee~~. If a matter constitutes a threat to the life,
9 safety, or health of clients or is multidistrict in scope, the
10 statewide council ~~Human Rights Advocacy Committee~~ may exercise
11 such powers without the necessity of a referral from a local
12 council ~~district committee~~.

13 (d) Reviewing existing programs or services and new or
14 revised programs of the state agencies that provide client
15 ~~Department of Children and Family~~ services and making
16 recommendations as to how the rights of clients are affected.

17 (e) Submitting an annual report to the Legislature, no
18 later than December 30 of each calendar year, concerning
19 activities, recommendations, and complaints reviewed or
20 developed by the council ~~committee~~ during the year.

21 (f) Conducting meetings at least six times a year at
22 the call of the chair ~~chairperson~~ and at other times at the
23 call of the Governor or by written request of six members of
24 the council ~~committee~~.

25 (g) Developing and adopting uniform procedures to be
26 used to carry out the purpose and responsibilities of the
27 statewide council and the local councils ~~human rights advocacy
28 committees~~, which procedures shall include, but need not be
29 limited to, the following:

30 1. The responsibilities of the statewide council and
31 the local councils ~~committee~~;

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- 1 2. The organization and operation of the statewide
2 council and the local councils ~~committee and district~~
3 ~~committees~~, including procedures for replacing a member,
4 formats for maintaining records of council ~~committee~~
5 activities, and criteria for determining what constitutes a
6 conflict of interest for purposes of assigning and conducting
7 investigations and monitoring;
- 8 3. Uniform procedures for the statewide council and
9 the local councils relating to receiving and investigating
10 ~~committee and district committees to receive and investigate~~
11 reports of abuse or deprivation of constitutional or human
12 rights;
- 13 4. The responsibilities and relationship of the local
14 councils ~~district human rights advocacy committees~~ to the
15 statewide council ~~committee~~;
- 16 5. The relationship of the statewide council to the
17 state agencies that receive and investigate reports of abuse
18 and neglect of clients of state agencies ~~committee to the~~
19 ~~Department of Children and Family Services~~, including the way
20 in which reports of findings and recommendations related to
21 reported abuse or neglect are given to the appropriate state
22 agency that provides client ~~Department of Children and Family~~
23 services;
- 24 6. Provision for cooperation with the State Long-Term
25 Care Ombudsman Council;
- 26 7. Procedures for appeal. An appeal to the statewide
27 council ~~state committee~~ is made by a local council ~~district~~
28 ~~human rights advocacy committee~~ when a valid complaint is not
29 resolved at the local ~~district~~ level. The statewide council
30 ~~committee~~ may appeal an unresolved complaint to the secretary
31 or director of the appropriate state agency that provides

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1 ~~client of the Department of Children and Family~~ services. If,
2 after exhausting all remedies, the statewide council committee
3 is not satisfied that the complaint can be resolved within the
4 state agency Department of Children and Family Services, the
5 appeal may be referred to the Governor ~~or the Legislature~~;

6 8. Uniform procedures for gaining access to and
7 maintaining confidential information; and

8 9. Definitions of misfeasance and malfeasance for
9 members of the statewide council and local councils committee
10 ~~and district committees~~.

11 (h) Monitoring the performance and activities of all
12 local councils district committees and providing technical
13 assistance to members and staff of local councils district
14 ~~committees~~.

15 (i) Providing for the development and presentation of
16 a standardized training program for members of local councils
17 ~~district committees~~.

18 (8)(a) In the performance of its duties, the statewide
19 council Human Rights Advocacy Committee shall have:

20 1. Authority to receive, investigate, seek to
21 conciliate, hold hearings on, and act on complaints that which
22 allege any abuse or deprivation of constitutional or human
23 rights of persons who receive client services from any state
24 agency clients.

25 2. Access to all client records, files, and reports
26 from any program, service, or facility that is operated,
27 funded, or contracted licensed, or regulated by any state
28 agency that provides client the Department of Children and
29 ~~Family~~ services and any records that which are material to its
30 investigation and ~~which~~ are in the custody of any other agency
31 or department of government. The council's committee's

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1 investigation or monitoring shall not impede or obstruct
2 matters under investigation by law enforcement agencies or
3 judicial authorities. Access shall not be granted if a
4 specific procedure or prohibition for reviewing records is
5 required by federal law and regulation that ~~which~~ supersedes
6 state law. Access shall not be granted to the records of a
7 private licensed practitioner who is providing services
8 outside the state agency, or outside a state facility,
9 ~~agencies and facilities~~ and whose client is competent and
10 refuses disclosure.

11 3. Standing to petition the circuit court for access
12 to client records that ~~which~~ are confidential as specified by
13 law. The petition shall state the specific reasons for which
14 the council committee is seeking access and the intended use
15 of such information. The court may authorize council
16 ~~committee~~ access to such records upon a finding that such
17 access is directly related to an investigation regarding the
18 possible deprivation of constitutional or human rights or the
19 abuse of a client. Original client files, records, and
20 reports shall not be removed from a state agency ~~the~~
21 ~~Department of Children and Family Services or agency~~
22 ~~facilities~~. Under no circumstance shall the council committee
23 have access to confidential adoption records once the adoption
24 is finalized by a court in accordance with ~~the provisions of~~
25 ss. 39.0132, 63.022, and 63.162. Upon completion of a general
26 investigation of practices and procedures of a state agency,
27 the statewide council ~~the Department of Children and Family~~
28 ~~Services, the committee~~ shall report its findings to that
29 agency department.

30 (b) All information obtained or produced by the
31 statewide council that ~~committee which~~ is made confidential by

1 law, that ~~which~~ relates to the identity of any client or group
2 of clients subject to the protections of this section, or that
3 ~~which~~ relates to the identity of an individual who provides
4 information to the council committee about abuse or about
5 alleged violations of constitutional or human rights, is
6 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
7 and s. 24(a), Art. I of the State Constitution.

8 (c) Portions of meetings of the statewide council that
9 ~~Human Rights Advocacy Committee which~~ relate to the identity
10 of any client or group of clients subject to the protections
11 of this section, that ~~which~~ relate to the identity of an
12 individual who provides information to the council committee
13 about abuse or about alleged violations of constitutional or
14 human rights, or wherein testimony is provided relating to
15 records otherwise made confidential by law, are exempt from
16 ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the State
17 Constitution.

18 (d) All records prepared by members of the statewide
19 council that committee ~~which~~ reflect a mental impression,
20 investigative strategy, or theory are exempt from ~~the~~
21 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution until the investigation is completed or until the
23 investigation ceases to be active. For purposes of this
24 section, an investigation is considered "active" while such
25 investigation is being conducted by the statewide council
26 ~~committee~~ with a reasonable, good faith belief that it may
27 lead to a finding of abuse or of a violation of constitutional
28 or human rights. An investigation does not cease to be active
29 so long as the statewide council committee is proceeding with
30 reasonable dispatch and there is a good faith belief that
31 action may be initiated by the council committee or other

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1 administrative or law enforcement agency.

2 (e) Any person who knowingly and willfully discloses
3 any such confidential information commits ~~is guilty of~~ a
4 misdemeanor of the second degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 3. Section 402.166, Florida Statutes, is
7 amended to read:

8 402.166 Florida local advocacy councils ~~District human~~
9 ~~rights advocacy committees~~; confidential records and
10 meetings.--

11 (1) Each ~~At least one~~ district human rights advocacy
12 committee within ~~is created in~~ each service area ~~district~~ of
13 the Department of Children and Family Services is redesignated
14 as the Florida local advocacy council. The local councils are
15 ~~district human rights advocacy committees~~ shall be subject to
16 direction from and the supervision of the statewide council
17 ~~Human Rights Advocacy Committee~~. The Department of Children
18 and Family Services ~~district administrator~~ shall assign staff
19 to provide administrative support to the local councils
20 ~~committees~~, and staff assigned to these positions shall
21 perform the functions required by the local councils ~~committee~~
22 without interference from the department. The local councils
23 ~~district committees~~ shall direct the activities of staff
24 assigned to them to the extent necessary for the local
25 councils ~~committees~~ to carry out their duties. The number and
26 areas of responsibility of the local councils ~~district human~~
27 ~~rights advocacy committees~~, not to exceed 46 councils
28 statewide ~~three in any district~~, shall be determined by the
29 statewide council and shall be consistent with judicial
30 boundaries. Local councils ~~majority vote of district committee~~
31 ~~members~~. ~~However, district II may have four committees.~~

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1 ~~District committees~~ shall meet at facilities under their
2 jurisdiction whenever possible.

3 (2) Each local council ~~district human rights advocacy~~
4 ~~committee~~ shall have no fewer than 7 members and no more than
5 15 members, no more than 4 ~~25 percent~~ of whom are or have been
6 recipients of one or more client ~~clients of the Department of~~
7 ~~Children and Family~~ services within the last 4 years, except
8 that one member of this group may be an immediate relative or
9 legal representative of a current or former client; two
10 providers, who deliver client services as defined in s.
11 402.164(2) ~~or programs to clients of the Department of~~
12 ~~Children and Family Services~~; and two representatives of
13 professional organizations, one of whom represents the
14 health-related professions and one of whom represents the
15 legal profession. Priority of consideration shall be given to
16 the appointment of at least one medical or osteopathic
17 physician, as defined in chapters 458 and 459, and one member
18 in good standing of The Florida Bar. Priority of consideration
19 shall also be given to the appointment of an individual who is
20 receiving client services and whose primary interest,
21 experience, or expertise lies with a major client group ~~of the~~
22 ~~Department of Children and Family Services~~ not represented on
23 the committee at the time of the appointment. ~~In no case~~
24 ~~shall~~ A person who is employed in client services by any state
25 agency may not be appointed to the council. No more than three
26 by the Department of Children and Family Services be selected
27 as a member of a committee. At no time shall individuals who
28 are providing contracted services for clients to any state
29 agency may serve on the same local council at the same time to
30 ~~the Department of Children and Family Services constitute more~~
31 ~~than 25 percent of the membership of a district committee.~~

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1 Persons related to each other by consanguinity or affinity
2 within the third degree ~~may shall~~ not serve on the same local
3 council district human rights advocacy committee at the same
4 time. All members of local councils district human rights
5 advocacy committees must successfully complete a standardized
6 training course for council committee members within 3 months
7 after their appointment to a local council committee. A
8 member may not be assigned to an investigation that which
9 requires access to confidential information prior to the
10 completion of the training course. After he or she completes
11 the required training course, a member of a local council may
12 committee shall not be prevented from participating in any
13 activity of that local council committee, including
14 investigations and monitoring, except due to a conflict of
15 interest as described in the procedures established by the
16 statewide council Human Rights Advocacy Committee pursuant to
17 subsection (7).

18 (3)(a) With respect to existing local councils
19 committees, each member shall serve a term of 4 years. Upon
20 expiration of a term and in the case of any other vacancy, the
21 local council district committee shall appoint a replacement
22 by majority vote of the local council committee, subject to
23 the approval of the Governor. A member may serve no more than
24 two full consecutive terms.

25 (b)1. The Governor shall appoint the first four 4
26 members of any newly created local council committee; and
27 those four 4 members shall select the remaining 11 members,
28 subject to approval of the Governor. If any of the first four
29 members are not appointed within 60 days after of a request is
30 being submitted to the Governor, those members may shall be
31 appointed by a majority vote of the statewide council district

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1 ~~committee~~ without further action by the Governor.

2 2. Members shall serve for no more than two full
3 consecutive terms of 4 ~~3~~ years, except that at the time of
4 initial appointment, terms shall be staggered so that
5 approximately one-half of the members first ~~the first six~~
6 ~~members~~ appointed shall serve for terms of 4 ~~2~~ years and the
7 remaining ~~five~~ members shall serve for terms of 2 ~~3~~ years.
8 Vacancies shall be filled as provided in subparagraph 1.

9 (c) If no action is taken by the Governor to approve
10 or disapprove a replacement of a member pursuant to this
11 subsection ~~paragraph~~ within 30 days after the local council
12 ~~district committee~~ has notified the Governor of the
13 appointment, then the appointment of the replacement may ~~shall~~
14 be considered approved by the statewide council.

15 ~~(d) The limitation on the number of terms a member may~~
16 ~~serve applies without regard to whether a term was served~~
17 ~~before or after October 1, 1989.~~

18 (4) Each local council committee shall elect a chair
19 and a vice chair ~~chairperson~~ for a term of 1 year. A person
20 may not serve as chair or vice chair ~~chairperson~~ for more than
21 two consecutive terms. The chair's and vice chair's terms
22 expire on September 30 of each year ~~chairperson's term expires~~
23 ~~on the anniversary of the chairperson's election.~~

24 (5) If a local council ~~In the event that a committee~~
25 member fails to attend two-thirds of the regular council
26 ~~committee~~ meetings during the course of a year, the local
27 council may ~~it shall be the responsibility of the committee to~~
28 replace the ~~such~~ member. If a member of a local council
29 violates this section ~~district committee member is in~~
30 ~~violation of the provisions of this subsection or procedures~~
31 adopted under this section, the local council ~~thereto, a~~

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1 ~~district committee~~ may recommend to the Governor that the ~~such~~
2 member be removed.

3 (6) A member of a local council ~~district committee~~
4 shall receive no compensation but is ~~shall receive per diem~~
5 ~~and shall be~~ entitled to be reimbursed for per diem and travel
6 expenses as provided in s. 112.061. Members may be provided
7 reimbursement for long-distance telephone calls if such calls
8 were necessary to an investigation of an abuse or deprivation
9 of constitutional or human rights.

10 (7) A local council ~~district human rights advocacy~~
11 ~~committee~~ shall first seek to resolve a complaint with the
12 appropriate local administration, agency, or program; any
13 matter not resolved by the local council ~~district committee~~
14 shall be referred to the statewide council ~~Human Rights~~
15 ~~Advocacy Committee~~. A local council ~~district human rights~~
16 ~~advocacy committee~~ shall comply with appeal procedures
17 established by the statewide council ~~Human Rights Advocacy~~
18 ~~Committee~~. The duties, actions, and procedures of both new
19 and existing local councils ~~district human rights advocacy~~
20 ~~committees~~ shall conform to ss. 402.164-402.167 ~~the provisions~~
21 ~~of this act~~. The duties of each local council ~~district human~~
22 ~~rights advocacy committee~~ shall include, but are not limited
23 to:

24 (a) Serving as an independent third-party mechanism
25 for protecting the constitutional and human rights of any
26 client within a program or facility operated, funded, or
27 contracted by a state agency providing client licensed, or
28 ~~regulated by the Department of Children and Family services~~.

29 (b) Monitoring by site visit and inspection of
30 records, the delivery and use of services, programs, or
31 facilities operated, funded, or contracted by a state agency

1 that provides client ~~regulated or licensed by the Department~~
2 ~~of Children and Family services,~~ for the purpose of preventing
3 abuse or deprivation of the constitutional and human rights of
4 clients. A local council ~~district human rights advocacy~~
5 ~~committee~~ may conduct an unannounced site visit or monitoring
6 visit that involves the inspection of records if the such
7 visit is conditioned upon a complaint. A complaint may be
8 generated by the council ~~committee~~ itself if information from
9 a state agency that provides client ~~the Department of Children~~
10 ~~and Family services or from~~ other sources indicates a
11 situation at the program or facility that indicates possible
12 abuse or neglect or deprivation of constitutional and human
13 rights of clients. The local council ~~district human rights~~
14 ~~advocacy committees~~ shall follow uniform criteria established
15 by the statewide council ~~Human Rights Advocacy Committee~~ for
16 the review of information and generation of complaints.
17 Routine program monitoring and reviews that do not require an
18 examination of records may be made unannounced.

19 (c) Receiving, investigating, and resolving reports of
20 abuse or deprivation of constitutional and human rights.

21 (d) Reviewing and making recommendations regarding how
22 a client's constitutional or human rights might be affected by
23 the client's participation in a proposed research project,
24 prior to implementation of the project ~~recommendation with~~
25 ~~respect to the involvement by clients of the Department of~~
26 ~~Children and Family Services as subjects for research~~
27 ~~projects, prior to implementation, insofar as their human~~
28 ~~rights are affected.~~

29 (e) Reviewing existing programs ~~or services~~ and
30 proposed new or revised programs of client ~~the Department of~~
31 ~~Children and Family services~~ and making recommendations as to

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1 how these programs and services affect or might affect the
 2 constitutional or human rights of clients are affected.

3 (f) Appealing to the statewide council ~~state committee~~
 4 any complaint unresolved at the local ~~district~~ level. Any
 5 matter that constitutes a threat to the life, safety, or
 6 health of a client or is multidistrict in scope shall
 7 automatically be referred to the statewide council ~~Human~~
 8 ~~Rights Advocacy Committee.~~

9 (g) Submitting an annual report by September 30 to the
 10 statewide council ~~Human Rights Advocacy Committee~~ concerning
 11 activities, recommendations, and complaints reviewed or
 12 developed by the council ~~committee~~ during the year.

13 (h) Conducting meetings at least six times a year at
 14 the call of the chair ~~chairperson~~ and at other times at the
 15 call of the Governor, at the call of the statewide council
 16 ~~Human Rights Advocacy Committee~~, or by written request of a
 17 majority of the members of the council ~~committee~~.

18 (8)(a) In the performance of its duties, a local
 19 council ~~district human rights advocacy committee~~ shall have:

20 1. Access to all client records, files, and reports
 21 from any program, service, or facility that is operated,
 22 funded, or contracted ~~licensed, or regulated~~ by any state
 23 agency that provides client ~~the Department of Children and~~
 24 ~~Family~~ services and any records that ~~which~~ are material to its
 25 investigation and ~~which~~ are in the custody of any other agency
 26 or department of government. The council's ~~committee's~~
 27 investigation or monitoring shall not impede or obstruct
 28 matters under investigation by law enforcement agencies or
 29 judicial authorities. Access shall not be granted if a
 30 specific procedure or prohibition for reviewing records is
 31 required by federal law and regulation that ~~which~~ supersedes

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1 state law. Access shall not be granted to the records of a
2 private licensed practitioner who is providing services
3 outside state agencies and facilities and whose client is
4 competent and refuses disclosure.

5 2. Standing to petition the circuit court for access
6 to client records that ~~which~~ are confidential as specified by
7 law. The petition shall state the specific reasons for which
8 the council committee is seeking access and the intended use
9 of such information. The court may authorize ~~committee~~ access
10 to such records upon a finding that such access is directly
11 related to an investigation regarding the possible deprivation
12 of constitutional or human rights or the abuse of a client.
13 Original client files, records, and reports shall not be
14 removed from a state agency ~~Department of Children and Family~~
15 ~~Services or agency facilities~~. Upon no circumstances shall
16 the council committee have access to confidential adoption
17 records once the adoption is finalized in court in accordance
18 with ~~the provisions of~~ ss. 39.0132, 63.022, and 63.162. Upon
19 completion of a general investigation of practices and
20 procedures followed by a state agency in providing client of
21 ~~the Department of Children and Family~~ services, the council
22 ~~committee~~ shall report its findings to the appropriate state
23 agency that department.

24 (b) All information obtained or produced by a local
25 council that ~~the committee which~~ is made confidential by law,
26 that which relates to the identity of any client or group of
27 clients subject to the protection of this section, or that
28 ~~which~~ relates to the identity of an individual who provides
29 information to the council committee about abuse or about
30 alleged violations of constitutional or human rights, is
31 confidential and exempt from ~~the provisions of~~ s. 119.07(1)

1 and s. 24(a), Art. I of the State Constitution.
 2 (c) Portions of meetings of a local council that
 3 ~~district human rights advocacy committee which~~ relate to the
 4 identity of any client or group of clients subject to the
 5 protections of this section, that ~~which~~ relate to the identity
 6 of an individual who provides information to the council
 7 ~~committee~~ about abuse or about alleged violations of
 8 constitutional or human rights, or wherein testimony is
 9 provided relating to records otherwise made confidential by
 10 law, are exempt from ~~the provisions of~~ s. 286.011 and s.
 11 24(b), Art. I of the State Constitution.

12 (d) All records prepared by members of a local council
 13 that ~~the committee which~~ reflect a mental impression,
 14 investigative strategy, or theory are exempt from ~~the~~
 15 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
 16 Constitution until the investigation is completed or until the
 17 investigation ceases to be active. For purposes of this
 18 section, an investigation is considered "active" while such
 19 investigation is being conducted by a local council ~~the~~
 20 ~~committee~~ with a reasonable, good faith belief that it may
 21 lead to a finding of abuse or of a violation of human rights.
 22 An investigation does not cease to be active so long as the
 23 council committee is proceeding with reasonable dispatch and
 24 there is a good faith belief that action may be initiated by
 25 the council committee or other administrative or law
 26 enforcement agency.

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