

Bill No. CS for SB 2674

Amendment No. ____ Barcode 033684

CHAMBER ACTION

Senate

House

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Senator Wise moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 2, through
page 20, line 19, delete those lines

and insert:

(a) "Access" means a visual inspection or the copying
of the records maintained by the state agency, facility,
provider, or contractor.

(b)(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.

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

4 (d) "Council" or "statewide council" means the Florida
5 Statewide Advocacy Council.

6 (e) "Local council" or "local advocacy council" means
7 one of the local advocacy councils located in this state,
8 under the supervision of the Florida Statewide Advocacy
9 Council.

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

12 402.165 Florida Statewide Advocacy Council;
13 confidential records and meetings.--

14 (1) ~~The Statewide Human Rights Advocacy Committee~~
15 ~~within the Department of Children and Family Services is~~
16 ~~redesignated as~~ The Florida Statewide Advocacy Council shall
17 be located in the Executive Office of the Governor, but may be
18 assigned by the Governor for administrative support purposes
19 to any Governor's agency. Members of the council shall
20 represent the interests of clients who are served by state
21 agencies that provide client services. ~~The Department of~~
22 ~~Children and Family Services shall provide administrative~~
23 ~~support and service to the statewide council to the extent~~
24 ~~requested by the executive director within available~~
25 ~~resources.~~ The statewide council is not subject to control,
26 supervision, or direction by any state agency providing client
27 services ~~the Department of Children and Family Services~~ in the
28 performance of its duties. The council shall consist of not
29 less than 15 and not more than 20 residents of this state, one
30 from each service area designated by the statewide council,
31 who broadly represent the interests of the public and the

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1 clients of the state agencies that provide client services.
 2 The members shall be representative of ~~four~~ groups of state
 3 residents as follows: ~~a one~~ provider who delivers client
 4 services ~~as defined in s. 402.164(2); a two~~ nonsalaried
 5 representative ~~representatives~~ of nonprofit agencies or civic
 6 groups; ~~a representative~~ four ~~representatives~~ of consumer
 7 groups who ~~is are~~ currently receiving, or ~~has have~~ received,
 8 one or more client services within the past 4 years, ~~at least~~
 9 ~~one of whom must be a consumer of one or more client services;~~
 10 and two residents of the state who do not represent any of the
 11 foregoing groups, but may represent a one of whom represents
 12 ~~the health-related profession or professions and one of whom~~
 13 ~~represents~~ the legal profession. In appointing the
 14 representative of the health-related professions, the
 15 appointing authority shall give priority of consideration to a
 16 physician licensed under chapter 458 or chapter 459; and, in
 17 appointing the representative of the legal profession, the
 18 appointing authority shall give priority of consideration to a
 19 member in good standing of The Florida Bar. Of the remaining
 20 members, no more than one shall be an elected official; ~~no~~
 21 ~~more than one shall be a health professional; no more than one~~
 22 ~~shall be a legal professional; no more than one shall be a~~
 23 ~~provider; no more than two shall be nonsalaried~~
 24 ~~representatives of nonprofit agencies or civic groups; and no~~
 25 ~~more than one shall be an individual whose primary area of~~
 26 ~~interest, experience, or expertise is a major client group of~~
 27 ~~a client services group that is not represented on the council~~
 28 ~~at the time of appointment.~~ Except for the member who is an
 29 elected public official, each member of the statewide council
 30 must be given priority consideration if he or she has have
 31 served as a member of a local ~~Florida advocacy~~ council, with

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1 ~~priority consideration given to an applicant who has served a~~
2 ~~full term on a local council.~~ Persons related to each other
3 by consanguinity or affinity within the third degree may not
4 serve on the statewide council at the same time.

5 (2) Members of the statewide council shall be
6 appointed to serve terms of 4 years. A member may not serve
7 more than two full consecutive terms.

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

16 (4) The Governor ~~may~~ ~~shall~~ fill ~~a~~ ~~each~~ vacancy on the
17 statewide council from a list of nominees submitted by the
18 statewide council or appoint any qualified person. A list of
19 candidates may be submitted to the statewide council by the
20 local council in the service area from which the vacancy
21 occurs. Priority of consideration shall be given to the
22 appointment of an individual who is receiving one or more
23 client services and whose primary interest, experience, or
24 expertise lies with a major client group that is not
25 represented on the council at the time of the appointment. If
26 an appointment is not made within 60 days after a vacancy
27 occurs on the statewide council, the vacancy may be filled by
28 a majority vote of the statewide council without further
29 action by the Governor. A person who is employed by any state
30 agency in client services may not be appointed to the
31 statewide council.

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1 (5)(a) Members of the statewide council shall receive
 2 no compensation, but are entitled to be reimbursed for per
 3 diem and travel expenses in accordance with s. 112.061.

4 (b) The Governor ~~council~~ shall select an executive
 5 director who shall serve at the pleasure of the Governor
 6 ~~council~~ and shall perform the duties delegated to him or her
 7 by the council. The compensation of the executive director
 8 and staff shall be established in accordance with the rules of
 9 the Selected Exempt Service.

10 (c) The council may apply for, receive, and accept
 11 grants, gifts, donations, bequests, and other payments
 12 including money or property, real or personal, tangible or
 13 intangible, and service from any governmental or other public
 14 or private entity or person and make arrangements as to the
 15 use of same.

16 (d) The statewide council shall annually prepare a
 17 budget request that, ~~is not to be changed by department staff~~
 18 after it is approved by the council, ~~but~~ shall be submitted to
 19 the Governor ~~for transmittal to the Legislature~~. The budget
 20 shall include a request for funds to carry out the activities
 21 of the statewide council and the local councils.

22 (6) The members of the statewide council shall elect a
 23 chair and a vice chair to terms of 1 year. A person may not
 24 serve as chair or vice chair for more than two full
 25 consecutive terms.

26 (7) The responsibilities of the statewide council
 27 include, but are not limited to:

28 (a) Serving as an independent third-party mechanism
 29 for protecting the constitutional and human rights of clients
 30 within programs or facilities operated, funded, or contracted
 31 by any state agency that provides client services.

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1 (b) Monitoring, by site visit and through access to
2 ~~inspection of~~ records the delivery and use of services,
3 programs, or facilities operated, funded, or contracted by any
4 state agency that provides client services, for the purpose of
5 preventing abuse or deprivation of the constitutional and
6 human rights of clients. The statewide council may conduct an
7 unannounced site visit or monitoring visit that involves the
8 inspection of records if the visit is conditioned upon a
9 complaint. A complaint may be generated by the council
10 itself, after consulting with the Governor's office, if
11 information from any state agency that provides client
12 services or from other sources indicates a situation at the
13 program or facility that indicates possible abuse or neglect
14 or deprivation of the constitutional and human rights of
15 clients. The statewide council shall establish and follow
16 uniform criteria for the review of information and generation
17 of complaints. Routine program monitoring and reviews that do
18 not require an 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 referred to the statewide council by a local council. If a
22 matter constitutes a threat to the life, safety, or health of
23 clients or is ~~multiservice-area multidistrict~~ in scope, the
24 statewide council may exercise its ~~such~~ powers without the
25 necessity of a referral from a local council.

26 (d) Reviewing existing programs or services and new or
27 revised programs of the state agencies that provide client
28 services and making recommendations as to how the rights of
29 clients are affected.

30 (e) Submitting an annual report to the Legislature, no
31 later than December 30 of each calendar year, concerning

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1 activities, recommendations, and complaints reviewed or
2 developed by the council during the year.

3 (f) Conducting meetings at least six times a year at
4 the call of the chair and at other times at the call of the
5 Governor or by written request of six members of the council.

6 (g) Developing and adopting uniform procedures to be
7 used to carry out the purpose and responsibilities of the
8 statewide council and the local councils, ~~which procedures
9 shall include, but need not be limited to, the following:~~

10 ~~1. The responsibilities of the statewide council and
11 the local councils;~~

12 ~~2. The organization and operation of the statewide
13 council and the local councils, including procedures for
14 replacing a member, formats for maintaining records of council
15 activities, and criteria for determining what constitutes a
16 conflict of interest for purposes of assigning and conducting
17 investigations and monitoring;~~

18 ~~3. Uniform procedures for the statewide council and
19 the local councils relating to receiving and investigating
20 reports of abuse or deprivation of constitutional or human
21 rights;~~

22 ~~4. The responsibilities and relationship of the local
23 councils to the statewide council;~~

24 ~~5. The relationship of the statewide council to the
25 state agencies that receive and investigate reports of abuse
26 and neglect of clients of state agencies, including the way in
27 which reports of findings and recommendations related to
28 reported abuse or neglect are given to the appropriate state
29 agency that provides client services;~~

30 ~~6. Provision for cooperation with the State Long-Term
31 Care Ombudsman Council;~~

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1 ~~7. Procedures for appeal. An appeal to the statewide~~
2 ~~council is made by a local council when a valid complaint is~~
3 ~~not resolved at the local level. The statewide council may~~
4 ~~appeal an unresolved complaint to the secretary or director of~~
5 ~~the appropriate state agency that provides client services.~~
6 ~~If, after exhausting all remedies, the statewide council is~~
7 ~~not satisfied that the complaint can be resolved within the~~
8 ~~state agency, the appeal may be referred to the Governor;~~

9 ~~8. Uniform procedures for gaining access to and~~
10 ~~maintaining confidential information; and~~

11 ~~9. Definitions of misfeasance and malfeasance for~~
12 ~~members of the statewide council and local councils.~~

13 (h) Supervising the operations of the local councils
14 and monitoring the performance and activities of all local
15 councils and providing technical assistance to members ~~and~~
16 ~~staff~~ of local councils.

17 (i) Providing for the development and presentation of
18 a standardized training program for members of local councils.

19 (j) Developing and maintaining interagency agreements
20 between the council and the state agencies providing client
21 services. The interagency agreements shall address the
22 coordination of efforts and identify the roles and
23 responsibilities of the statewide and local councils and each
24 agency in fulfillment of their responsibilities, including
25 access to records.

26 (8)(a) In the performance of its duties, the statewide
27 council shall have:

28 1. Authority to receive, investigate, seek to
29 conciliate, hold hearings on, and act on complaints that
30 allege any abuse or deprivation of constitutional or human
31 rights of persons who receive client services from any state

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1 agency.

2 2. Access to all client records, files, and reports
3 from any program, service, or facility that is operated,
4 funded, or contracted by any state agency that provides client
5 services and any records that are material to its
6 investigation and are in the custody of any other agency or
7 department of government. The council's investigation or
8 monitoring shall not impede or obstruct matters under
9 investigation by law enforcement agencies or judicial
10 authorities. Access shall not be granted if a specific
11 procedure or prohibition for reviewing records is required by
12 federal law and regulation that supersedes state law. Access
13 shall not be granted to the records of a private licensed
14 practitioner who is providing services outside the state
15 agency, or outside a state facility, and whose client is
16 competent and refuses disclosure.

17 3. Standing to petition the circuit court for access
18 to client records that are confidential as specified by law.
19 The petition shall state the specific reasons for which the
20 council is seeking access and the intended use of such
21 information. The circuit court may authorize council access
22 to the such records upon a finding that such access is
23 directly related to an investigation regarding the possible
24 deprivation of constitutional or human rights or the abuse of
25 a client. Original client files, agency records, and reports
26 may shall not be removed from a state agency, but copies must
27 be provided to the council and the local councils at the
28 agency's expense. Under no circumstance shall the council
29 have access to confidential adoption records once the adoption
30 is finalized by a court in accordance with ss. 39.0132,
31 63.022, and 63.162. Upon completion of a general

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1 investigation of practices and procedures of a state agency,
2 the statewide council shall report its findings to that
3 agency.

4 (b) All information obtained or produced by the
5 statewide council that is made confidential by law, that
6 relates to the identity of any client or group of clients
7 subject to the protections of this section, or that relates to
8 the identity of an individual who provides information to the
9 council about abuse or about alleged violations of
10 constitutional or human rights, is confidential and exempt
11 from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution.

13 (c) Portions of meetings of the statewide council that
14 relate to the identity of any client or group of clients
15 subject to the protections of this section, that relate to the
16 identity of an individual who provides information to the
17 council about abuse or about alleged violations of
18 constitutional or human rights, or wherein testimony is
19 provided relating to records otherwise made confidential by
20 law, are exempt from s. 286.011 and s. 24(b), Art. I of the
21 State Constitution.

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

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1 long as the statewide council is proceeding with reasonable
 2 dispatch and there is a good faith belief that action may be
 3 initiated by the council or other administrative or law
 4 enforcement agency.

5 (e) Any person who knowingly and willfully discloses
 6 any ~~such~~ confidential information commits a misdemeanor of the
 7 second degree, punishable as provided in s. 775.082 or s.
 8 775.083.

9 Section 3. Section 402.166, Florida Statutes, is
 10 amended to read:

11 402.166 Florida local advocacy councils; confidential
 12 records and meetings.--

13 (1) ~~Each district human rights advocacy committee~~
 14 ~~within each service area of the Department of Children and~~
 15 ~~Family Services is redesignated as the Florida Local Advocacy~~
 16 ~~Council.~~ The local councils are subject to direction from and
 17 the supervision of the statewide council. The statewide
 18 council ~~Department of Children and Family Services~~ shall
 19 assign staff to provide ~~administrative~~ support to the local
 20 councils, ~~and staff assigned to these positions shall perform~~
 21 ~~the functions required by the local councils without~~
 22 ~~interference from the department. The local councils shall~~
 23 ~~direct the activities of staff assigned to them to the extent~~
 24 ~~necessary for the local councils to carry out their duties.~~
 25 The number and areas of responsibility of the local councils,
 26 not to exceed 46 councils statewide, shall be determined by
 27 the statewide council and shall be consistent with judicial
 28 circuit boundaries. Local councils shall meet at facilities
 29 under their jurisdiction whenever possible.

30 (2) Each local council shall have no fewer than 7
 31 members and no more than 15 members, no more than 4 of whom

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1 are or have been recipients of one or more client services
2 within the last 4 years, except that one member of this group
3 may be an immediate relative or legal representative of a
4 current or former client; two providers who deliver client
5 services as defined in s. 402.164(2); and two representatives
6 of professional organizations, one of whom represents the
7 health-related professions and one of whom represents the
8 legal profession. Priority of consideration shall be given to
9 the appointment of at least one medical or osteopathic
10 physician, as defined in chapters 458 and 459, and one member
11 in good standing of The Florida Bar. Priority of consideration
12 shall also be given to the appointment of an individual who is
13 receiving client services and whose primary interest,
14 experience, or expertise lies with a major client group not
15 represented on the local council at the time of the
16 appointment. A person who is employed in client services by
17 any state agency may not be appointed to the local council. No
18 more than three individuals who are providing contracted
19 services for clients to any state agency may serve on the same
20 local council at the same time. Persons related to each other
21 by consanguinity or affinity within the third degree may not
22 serve on the same local council at the same time. All members
23 of local councils must successfully complete a standardized
24 training course for council members within 3 months after
25 their appointment to a local council. A member may not be
26 assigned to an investigation that requires access to
27 confidential information prior to the completion of the
28 training course. After he or she completes the required
29 training course, a member of a local council may not be
30 prevented from participating in any activity of that local
31 council, including investigations and monitoring, except due

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1 to a conflict of interest as described in the procedures
2 established by the statewide council under ~~pursuant to~~
3 subsection (7).

4 (3)(a) With respect to existing local councils, each
5 member shall serve a term of 4 years. Upon expiration of a
6 term and in the case of any other vacancy, the local council
7 shall appoint a replacement by majority vote of the local
8 council, subject to the approval of the Governor. A member
9 may serve no more than two full consecutive terms.

10 (b)1. The Governor shall appoint the first four
11 members of any newly created local council; and those four
12 members shall select the remaining members, subject to
13 approval of the Governor. If any of the first four members
14 are not appointed within 60 days after a request is submitted
15 to the Governor, those members may be appointed by a majority
16 vote of the statewide council without further action by the
17 Governor.

18 2. Members shall serve for no more than two full
19 consecutive terms of 4 years, except that at the time of
20 initial appointment, terms shall be staggered so that
21 approximately one-half of the members first appointed shall
22 serve for terms of 4 years and the remaining members shall
23 serve for terms of 2 years. Vacancies shall be filled as
24 provided in subparagraph 1.

25 (c) If no action is taken by the Governor to approve
26 or disapprove a replacement of a member under ~~pursuant to~~ this
27 subsection within 60 ~~30~~ days after the local council has
28 notified the Governor of the appointment, then the appointment
29 of the replacement may be considered approved by the Governor
30 ~~statewide council~~.

31 (4) Each local council shall elect a chair and a vice

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1 chair for a term of 1 year. A person may not serve as chair or
2 vice chair for more than two consecutive terms. The chair's
3 and vice chair's terms expire on September 30 of each year.

4 (5) If a local council member fails to attend
5 two-thirds of the regular local council meetings during the
6 course of a year, the local council may replace the member.
7 If a member of a local council violates this section or
8 procedures adopted under this section, the local council may
9 recommend to the Governor that the member be removed.

10 (6) A member of a local council shall receive no
11 compensation but is entitled to be reimbursed for per diem and
12 travel expenses as provided in s. 112.061. Members may be
13 provided reimbursement for long-distance telephone calls if
14 ~~the such~~ calls were necessary to an investigation of an abuse
15 or deprivation of constitutional or human rights.

16 (7) A local council shall first seek to resolve a
17 complaint with the appropriate local administration, agency,
18 or program; any matter not resolved by the local council shall
19 be referred to the statewide council. A local council shall
20 comply with appeal procedures established by the statewide
21 council. The duties, actions, and procedures of both new and
22 existing local councils shall conform to ss. 402.164-402.167.
23 The duties of each local council shall include, but are not
24 limited to:

25 (a) Serving as an independent third-party mechanism
26 for protecting the constitutional and human rights of any
27 client within a program or facility operated, funded, or
28 contracted by a state agency providing client services in the
29 local services area.

30 (b) Monitoring by site visit and access to inspection
31 ~~of records~~ the delivery and use of services, programs, or

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

17 (c) Receiving, investigating, and resolving reports of
18 abuse or deprivation of constitutional and human rights by a
19 state agency or contracted service provider in the local
20 service area.

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.

25 ~~(e) Reviewing existing programs and proposed new or~~
26 ~~revised programs of client services and making recommendations~~
27 ~~as to how these programs and services affect or might affect~~
28 ~~the constitutional or human rights of clients.~~

29 ~~(e)(f)~~ Appealing to the statewide council any
30 complaint unresolved at the local level. Any matter that
31 constitutes a threat to the life, safety, or health of a

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1 client or is multiservice area ~~multidistrict~~ in scope shall
2 automatically be referred to the statewide council.

3 ~~(f)(g)~~ Submitting an annual report by September 30 to
4 the statewide council concerning activities, recommendations,
5 and complaints reviewed or developed by the local council
6 during the year.

7 ~~(g)(h)~~ Conducting meetings at least six times a year
8 at the call of the chair and at other times at the call of the
9 Governor, at the call of the statewide council, or by written
10 request of a majority of the members of the local council.

11 (8)(a) In the performance of its duties, a local
12 council shall have the same authority to access client
13 records, state agency files, reports from any program or
14 service, records of contractors and providers, and records
15 from any facility operated, funded, or under contract with a
16 state agency as specified in s. 402.165(8)(a)÷

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

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

17 (b) All information obtained or produced by a local
18 council that is made confidential by law, that relates to the
19 identity of any client or group of clients subject to the
20 protection of this section, or that relates to the identity of
21 an individual who provides information to the local council
22 about abuse or about alleged violations of constitutional or
23 human rights, is confidential and exempt from s. 119.07(1) and
24 s. 24(a), Art. I of the State Constitution.

25 (c) Portions of meetings of a local council that
26 relate to the identity of any client or group of clients
27 subject to the protections of this section, that relate to the
28 identity of an individual who provides information to the
29 local council about abuse or about alleged violations of
30 constitutional or human rights, or when ~~wherein~~ testimony is
31 provided relating to records otherwise made confidential by

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1 law, are exempt from s. 286.011 and s. 24(b), Art. I of the
2 State Constitution.

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

17 (e) Any person who knowingly and willfully discloses
18 any such confidential information commits a misdemeanor of the
19 second degree, punishable as provided in s. 775.082 or s.
20 775.083.

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

23 402.167 Duties of state agencies that provide client
24 services relating to the Florida Statewide Advocacy Council
25 and the Florida local advocacy councils.--

26 ~~(1) Each state agency that provides client services~~
27 ~~shall adopt rules that are consistent with law, amended to~~
28 ~~reflect any statutory changes, and that address at least the~~
29 ~~following:~~

30 ~~(a) Procedures by which staff of state agencies refer~~
31 ~~reports of abuse of clients to the Florida local advocacy~~

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1 ~~councils.~~

2 ~~(b) Procedures by which client information is made~~
3 ~~available to members of the Florida Statewide Advocacy Council~~
4 ~~and the Florida local advocacy councils.~~

5 ~~(c) Procedures by which recommendations made by the~~
6 ~~statewide and local councils will be incorporated into~~
7 ~~policies and procedures of the state agencies.~~

8 ~~(2) The Department of Children and Family Services~~
9 ~~shall provide for the location of local councils in area~~
10 ~~offices and shall provide necessary equipment and office~~
11 ~~supplies, including, but not limited to, clerical and word~~
12 ~~processing services, photocopiers, telephone services, and~~
13 ~~stationery and other necessary supplies, and shall establish~~
14 ~~the procedures by which council members are reimbursed for~~
15 ~~authorized expenditures.~~

16 ~~(3) The secretaries or directors of the state agencies~~
17 ~~shall ensure the full cooperation and assistance of employees~~
18 ~~of their respective state agencies with members and staff of~~
19 ~~the statewide and local councils. The secretary or director of~~
20 ~~each state agency providing client services shall notify its~~
21 ~~contract, service, and treatment providers of the powers,~~
22 ~~duties, and responsibilities of the statewide and local~~
23 ~~councils. Further, the Secretary of Children and Family~~
24 ~~Services shall ensure that, to the extent possible, staff~~
25 ~~assigned to the statewide council and local councils are free~~
26 ~~of interference from or control by the department in~~
27 ~~performing their duties relative to those councils.~~

28 ~~Section 5. The Florida Statewide Advocacy Council, its~~
29 ~~three full-time equivalent positions and associated expense~~
30 ~~funding, the local councils, and the toll-free complaint line~~
31 ~~are hereby transferred by a type two transfer, pursuant to~~

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1 section 20.06(2), Florida Statutes, from the Department of
 2 Children and Family Services to the Florida Statewide Advocacy
 3 Council. The Department of Children and Family Services is
 4 directed to identify 10 additional full-time equivalent
 5 positions funded from the General Revenue Fund, which
 6 positions are hereby transferred by a type two transfer,
 7 pursuant to section 20.06(2), Florida Statutes, to the Florida
 8 Statewide Advocacy Council for support of the local councils.

9

10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, lines 4-24, delete those lines

14

15 and insert:

16 providing definitions; amending s. 402.165,
 17 F.S.; requiring the Florida Statewide Advocacy
 18 Council to be located in the Executive Office
 19 of the Governor; removing the requirement for
 20 the Department of Children and Family Services
 21 to provide administrative support; revising the
 22 membership of the statewide advocacy council;
 23 providing priority consideration for certain
 24 candidates for the statewide council; requiring
 25 the Governor to select an executive director;
 26 providing that such director shall serve at the
 27 pleasure of the Governor; removing a
 28 restriction on the preparation of the annual
 29 budget; requiring the council to consult with
 30 the Governor before generating a complaint;
 31 revising council duties and responsibilities;

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1 directing the council to establish interagency
2 agreements with certain state agencies;
3 requiring copies of certain files, records, and
4 reports to be provided to the council at the
5 agency's expense; amending s. 402.166, F.S.;
6 deleting references to administration by the
7 department; providing clarification for duties
8 performed by a local council; revising the
9 period in which the Governor may approve or
10 disapprove an appointment; removing authority
11 to review certain programs; providing that the
12 local council has the same authority to access
13 records from facilities, programs, and clients
14 as does the statewide advocacy council;
15 amending s. 402.167, F.S.; directing each state
16 agency that provides client services to provide
17 certain information about the statewide
18 advocacy and local councils; transferring the
19 Florida Statewide Advocacy Council, certain
20 positions, local councils, and a toll-free
21 complaint line by a type two transfer from the
22 Department of Children and Family Services to
23 the Florida Statewide Advocacy Council;
24 directing the department to identify positions
25 to be transferred by a type two transfer to the
26 Florida Statewide Advocacy Council for support
27 of the local councils; providing an
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