

1 A bill to be entitled
2 An act relating to advocacy councils; amending s. 402.164,
3 F.S.; revising definitions; amending s. 402.165, F.S.;
4 providing that the Florida Statewide Advocacy Council
5 shall be located in the Office of the Attorney General but
6 may be assigned by the Legislature for administrative
7 support purposes to any government agency; providing and
8 revising membership criteria for the statewide council;
9 exempting the statewide council from control, supervision,
10 or direction by any government entity in certain
11 circumstances; providing an exception to term limits;
12 providing that members failing to attend two-thirds of
13 conference call meetings over the course of a year may
14 have their positions deemed vacant by the council;
15 authorizing the Attorney General to fill certain vacancies
16 on the council; revising the nomination process for the
17 filling of vacancies; authorizing the Attorney General to
18 select an executive director for the council; requiring
19 that certain classes and the placement of certain staff
20 positions be determined in consultation with the statewide
21 council; requiring the statewide council to establish a
22 not-for-profit mechanism for securing and receiving
23 funding, gifts, donations, or grants; requiring the
24 executive director to annually prepare a budget request
25 for submission to the Attorney General and the
26 Legislature; requiring the budget to include certain
27 information; revising certain responsibilities of the
28 statewide council; providing that a complaint may be

29 generated by the council itself after consultation with
30 the Office of the Attorney General; authorizing meetings
31 to be conducted at the call of the Attorney General;
32 authorizing telephone conference calls and providing
33 notice requirements therefor; requiring the statewide
34 council to develop and adopt certain procedures; providing
35 certain supervisory responsibilities for the statewide
36 council; requiring certain interagency agreements between
37 the council and the state agencies to be negotiated and
38 signed at certain times; requiring that certain portions
39 of meetings be kept confidential; amending s. 402.166,
40 F.S.; requiring the statewide council to participate in
41 the selection and assignment of local council staff;
42 requiring local support staff to work under the direction
43 and supervision of the executive director in consultation
44 with certain statewide council members; revising
45 authorized locations for local council meetings; revising
46 criteria for local council membership; revising procedures
47 for the appointment of replacement members; requiring the
48 Attorney General to appoint the first four members of any
49 newly created local council; authorizing the local council
50 to recommend to the Attorney General that certain members
51 be removed; authorizing reimbursement for long-distance
52 telephone calls if the calls were necessary to the duties
53 and responsibilities of the council; authorizing local
54 councils to self-generate complaints under certain
55 circumstances; requiring certain matters to be referred to
56 the statewide council; authorizing the Attorney General to

57 call meetings; requiring that certain portions of meetings
 58 be kept confidential; amending s. 402.167, F.S.; requiring
 59 secretaries and directors of the state agencies providing
 60 client services relating to the statewide council to
 61 ensure that contract providers are provided with certain
 62 information; providing an effective date.

63
 64 Be It Enacted by the Legislature of the State of Florida:

65
 66 Section 1. Paragraphs (b) and (c) of subsection (2) of
 67 section 402.164, Florida Statutes, are amended to read:

68 402.164 Legislative intent; definitions.--

69 (2) As used in ss. 402.164-402.167, the term:

70 (b) "Client" means a client as defined in s. 393.063, s.
 71 394.67, s. 397.311, or s. 400.960, a forensic client or client
 72 as defined in s. 916.106, a child or youth as defined in s.
 73 39.01, a child as defined in s. 827.01, a child, juvenile, or
 74 youth as defined in s. 985.03, a family as defined in s.
 75 414.0252, a participant as defined in s. 400.551, a resident as
 76 defined in s. 400.402, a Medicaid recipient or recipient as
 77 defined in s. 409.901, a child receiving child care as defined
 78 in s. 402.302, a disabled adult as defined in s. 410.032 or s.
 79 410.603, or a victim as defined in s. 39.01 or s. 415.102 as
 80 each definition applies within its respective chapter.

81 (c) "Client services" means health and human services that
 82 are provided to a client by a state agency or a service provider
 83 operated, funded, licensed, regulated, or contracted by the
 84 state.

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

87 402.165 Florida Statewide Advocacy Council; confidential
 88 records and meetings.--

89 (1) The Florida Statewide Advocacy Council shall be
 90 located in the ~~Executive~~ Office of the Attorney General ~~Governor~~
 91 but may be assigned by the Legislature ~~Governor~~ for
 92 administrative support purposes to any governmental ~~Governor's~~
 93 agency. Members shall be appointed by the Attorney General from
 94 a list of nominations submitted as follows: four members
 95 nominated by the President of the Senate, three members
 96 nominated by the Speaker of the House of Representatives, three
 97 members nominated by the Governor, two members nominated by the
 98 Chief Financial Officer, and three members nominated by the
 99 statewide council. Should it be deemed necessary to expand the
 100 council to the maximum membership of 20 members, the remaining
 101 five members shall be appointed by the Attorney General and may
 102 be nominated by any of the previously referenced entities.
 103 Members of the council shall represent the interests of clients
 104 who are served by state agencies that provide client services.
 105 In the performance of its duties, the statewide council is not
 106 subject to control, supervision, or direction by any state
 107 agency or government entity ~~providing client services in the~~
 108 ~~performance of its duties~~. The council shall consist of not less
 109 than 15 and not more than 20 residents of this state, one from
 110 each service area designated by the statewide council, who
 111 broadly represent the interests of the public and the clients of
 112 the state agencies that provide client services. The members

113 shall be representative of groups of state residents as follows:
 114 a provider who delivers client services; a nonsalaried
 115 representative of nonprofit agencies or civic groups; a
 116 representative of consumer groups who is currently receiving, or
 117 has received within the past 4 years, one or more client
 118 services ~~within the past 4 years~~; a representative with social
 119 services experience; a representative with experience in law
 120 enforcement or other professional investigations; and two
 121 residents of the state who do not represent any of the foregoing
 122 groups, but may represent a health-related profession or the
 123 legal profession. In appointing the representative of the
 124 health-related professions, the Attorney General ~~appointing~~
 125 ~~authority~~ shall give priority of consideration to a physician
 126 licensed under chapter 458 or chapter 459; and, in appointing
 127 the representative of the legal profession, the Attorney General
 128 ~~appointing authority~~ shall give priority of consideration to a
 129 member in good standing of The Florida Bar. Of the remaining
 130 members, no more than one shall be an elected official. Except
 131 for the member who is an elected public official, each candidate
 132 for the statewide council must be given priority consideration
 133 if he or she has completed at least one term ~~served~~ as a member
 134 of a local council or the statewide council. Persons related to
 135 each other by consanguinity or affinity within the third degree
 136 may not serve on the statewide council at the same time.

137 (2) Members of the statewide council shall be appointed to
 138 serve terms of 4 years. A member may not serve more than two
 139 full consecutive terms, unless recommended by all local councils
 140 in the area and approved by the statewide council.

141 (3) If a member of the statewide council fails to attend
 142 two-thirds of the regular council meetings and two-thirds of
 143 conference call meetings during the course of a year, the
 144 position held by the member may be deemed vacant by the council.
 145 The Attorney General ~~Governor~~ shall fill the vacancy according
 146 to subsection (4). If a member of the statewide council violates
 147 this section or procedures adopted under this section, the
 148 council may recommend to the Attorney General ~~Governor~~ that the
 149 member be removed.

150 (4) The Attorney General shall ~~Governor may~~ fill a vacancy
 151 on the statewide council from a list of nominees submitted by
 152 the nomination entities listed in subsection (1) ~~statewide~~
 153 ~~council or appoint any qualified person~~. A list of candidates
 154 may be submitted to the nomination entities ~~statewide council~~ by
 155 the statewide council or local councils ~~council~~ in the service
 156 area from which the vacancy occurs. Priority of consideration
 157 shall be given to the appointment of an individual who is
 158 receiving one or more client services and whose primary
 159 interest, experience, or expertise lies with a major client
 160 group that is not represented on the council at the time of the
 161 appointment. If an appointment is not made within 60 days after
 162 a vacancy occurs on the statewide council, the vacancy may be
 163 filled by a majority vote of the statewide council without
 164 further action by the Attorney General ~~Governor~~. A person who is
 165 employed by any state agency in client services may not be
 166 appointed to the statewide council.

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

170 (b) The Attorney General ~~Governor~~ shall select an
 171 executive director who shall serve at the pleasure of the
 172 Attorney General with input from the statewide council ~~Governor~~
 173 and shall perform the duties delegated to him or her by the
 174 council. Classes and placement of all staff positions needed to
 175 support the statewide and local councils shall be determined in
 176 consultation with the statewide council. The compensation of the
 177 executive director and staff shall be established in accordance
 178 with the rules of the Selected Exempt Service.

179 (c) The council may apply for, receive, and accept grants,
 180 gifts, donations, bequests, and other payments including money
 181 or property, real or personal, tangible or intangible, and
 182 service from any governmental or other public or private entity
 183 or person and make arrangements as to the use of same. With the
 184 assistance of the Office of the Attorney General, the statewide
 185 council shall establish a not-for-profit mechanism for securing
 186 and receiving such funding, gifts, donations, or grants.

187 (d) In consultation with the members of the statewide
 188 council, the executive director shall annually prepare a budget
 189 request that, after it is approved by the council, shall be
 190 submitted to the Attorney General for submission to the
 191 Legislature ~~Governor~~. The budget shall include a request for
 192 funds, including funding for staff, to carry out the activities
 193 and mission of the statewide council and the local councils and
 194 shall include funds for legal expenses as needed by the councils

195 should access to records be denied, as well as funds for
196 meetings of the councils and its committees and for required
197 training.

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

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

204 (a) Serving as an independent third-party mechanism for
205 protecting the constitutional and human rights of clients within
206 programs or facilities operated, funded, licensed, regulated, or
207 contracted by any state agency that provides client services.

208 (b) Monitoring, by site visit and through access to
209 records, the delivery and use of services, programs, or
210 facilities operated, funded, licensed, regulated, or contracted
211 by any state agency that provides client services, for the
212 purpose of preventing abuse or deprivation of the constitutional
213 and human rights of clients. The statewide council may conduct
214 an unannounced site visit or monitoring visit that involves the
215 inspection of records if the visit is conditioned upon a
216 complaint. A complaint may be generated by the council itself,
217 after consulting with the Attorney General's ~~Governor's~~ office,
218 if information from any state agency that provides client
219 services or from other sources indicates a situation at the
220 program or facility that indicates possible abuse, ~~or~~ neglect,
221 or deprivation of the constitutional or ~~and~~ human rights of
222 clients. The statewide council shall establish and follow

223 uniform criteria for the review of information and generation of
 224 complaints. Routine program monitoring and reviews that do not
 225 require an examination of records may be made unannounced.

226 (c) Receiving, investigating, and resolving reports of
 227 abuse or deprivation of constitutional or ~~and~~ human rights
 228 referred to the statewide council by a local council. If a
 229 matter constitutes a threat to the life, safety, or health of
 230 clients or is multiservice-area in scope, the statewide council
 231 may exercise its powers without the necessity of a referral from
 232 a local council.

233 (d) Reviewing existing programs or services and new or
 234 revised programs of the state agencies that provide client
 235 services and making recommendations as to how the rights of
 236 clients are affected.

237 (e) Submitting an annual report to the Legislature, no
 238 later than December 30 of each calendar year, concerning
 239 activities, recommendations, and complaints reviewed or
 240 developed by the council during the year.

241 (f) Conducting meetings at least six times a year at the
 242 call of the chair and at other times at the call of the Attorney
 243 General ~~Governor~~ or by written request of six members of the
 244 council. Telephone conference calls shall be advertised for
 245 weekly meetings and shall be held as deemed necessary for the
 246 purpose of statewide council executive committee, full council,
 247 or standing or special committee meetings. Should the need
 248 arise, the chair may call for a full council meeting at the time
 249 of any scheduled conference call as well as authorize conference
 250 call use for other meetings as requested. Conference call

251 meetings shall not be included in the required six meetings a
 252 year, but some of the required meetings may be workshop meetings
 253 attended by only statewide council members.

254 (g) Developing and adopting uniform procedures to be used
 255 to carry out the purpose and responsibilities of the statewide
 256 council and the local councils. These procedures shall include
 257 the duties and responsibilities of the statewide and local
 258 council members as well as the state and local council staffs.

259 (h) Supervising the operations of the local councils and
 260 monitoring the performance and activities of all local councils
 261 and providing direction and technical assistance to members of
 262 local councils. The statewide council supervisory responsibility
 263 shall include the development and adoption of procedures for
 264 disciplinary action, suspension, and recommendation to the
 265 Attorney General for removal if indicated.

266 (i) Providing for the development and presentation of a
 267 standardized training program for members of the statewide and
 268 local councils.

269 (j) Developing and maintaining interagency agreements
 270 between the council and the state agencies providing client
 271 services. The interagency agreements shall address the
 272 coordination of efforts and identify the roles and
 273 responsibilities of the statewide and local councils and each
 274 agency in fulfillment of their responsibilities, including
 275 access to records for the purpose of carrying out investigatory
 276 and monitoring responsibilities. Such agreements shall be
 277 negotiated and signed annually or at other times as deemed
 278 necessary by the council.

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

281 1. Authority to receive, investigate, seek to conciliate,
282 hold hearings on, and act on complaints that allege any abuse or
283 deprivation of constitutional or human rights of persons who
284 receive or have been denied client services from any state
285 agency.

286 2. Access to all client records, files, and reports from
287 any program, service, or facility that is operated, funded,
288 licensed, regulated, or contracted by any state agency that
289 provides client services and any records that are material to
290 its investigation and are in the custody of any other agency or
291 department of government. The council's investigation or
292 monitoring shall not impede or obstruct matters under
293 investigation by law enforcement agencies or judicial
294 authorities. Access shall not be granted if a specific procedure
295 or prohibition for reviewing records is required by federal law
296 and regulation that supersedes state law. Access shall not be
297 granted to the records of a private licensed practitioner who is
298 providing services outside the state agency, or outside a state
299 facility, and whose client is competent and refuses disclosure.

300 3. Standing to petition the circuit court for access to
301 client records that are confidential as specified by law or in
302 instances in which access is denied. The petition shall state
303 the specific reasons for which the council is seeking access and
304 the intended use of such information. The circuit court may
305 authorize council access to the records upon a finding that
306 access is directly related to an investigation regarding the

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307 possible deprivation of constitutional or human rights or the
308 abuse of a client. Original client files, agency records, and
309 reports may not be removed from a state agency, but copies must
310 be provided to the council and the local councils at the
311 agency's expense. Under no circumstance shall the council have
312 access to confidential adoption records once the adoption is
313 finalized by a court in accordance with ss. 39.0132, 63.022, and
314 63.162. Upon completion of a general investigation of practices
315 and procedures of a state agency, the statewide council shall
316 report its findings to that agency.

317 (b) All information obtained or produced by the statewide
318 council that is made confidential by law, that relates to the
319 identity of any client or group of clients subject to the
320 protections of this section, or that relates to the identity of
321 an individual who provides information to the council about
322 abuse or about alleged violations of constitutional or human
323 rights, ~~is confidential and exempt from s. 119.07(1) and s.~~
324 24(a), Art. I of the State Constitution.

325 (c) Portions of meetings of the statewide council that
326 relate to the identity of any client or group of clients subject
327 to the protections of this section, that relate to the identity
328 of an individual who provides information to the council about
329 abuse or about alleged violations of constitutional or human
330 rights, or wherein testimony is provided relating to records
331 otherwise made confidential by law, ~~are exempt from s. 286.011~~
332 and s. 24(b), Art. I of the State Constitution.

333 (d) All records prepared by members of the statewide
334 council that reflect a mental impression, investigative

335 strategy, or theory are exempt from s. 119.07(1) and s. 24(a),
 336 Art. I of the State Constitution until the investigation is
 337 completed or until the investigation ceases to be active;
 338 however, portions of the record considered confidential by
 339 paragraph (c) shall remain confidential. For purposes of this
 340 section, an investigation is considered "active" while the
 341 investigation is being conducted by the statewide council with a
 342 reasonable, good faith belief that it may lead to a finding of
 343 abuse or of a violation of human rights. An investigation does
 344 not cease to be active so long as the statewide council is
 345 proceeding with reasonable dispatch and there is a good faith
 346 belief that action may be initiated by the council or other
 347 administrative or law enforcement agency.

348 (e) Any person who knowingly and willfully discloses any
 349 confidential information commits a misdemeanor of the second
 350 degree, punishable as provided in s. 775.082 or s. 775.083.

351 Section 3. Section 402.166, Florida Statutes, is amended
 352 to read:

353 402.166 Florida local advocacy councils; confidential
 354 records and meetings.--

355 (1) The local councils are subject to direction from and
 356 the supervision of the statewide council. The statewide council
 357 shall participate in the selection and assignment of ~~assign~~
 358 staff to provide support to the local councils. Local support
 359 staff shall work under the direction and supervision of the
 360 executive director in consultation with the statewide council
 361 members assigned to the area. The number and areas of
 362 responsibility of the local councils, not to exceed 46 councils

363 statewide, shall be determined by the statewide council and
 364 shall be consistent with judicial circuit boundaries agreed upon
 365 by the statewide council and the Attorney General. Local
 366 councils shall meet at facilities or program or service centers
 367 under their jurisdiction whenever possible.

368 (2) Each local council shall have no fewer than 7 members
 369 and no more than 15 members, no more than 4 of whom are
 370 currently receiving, or have received within the past 4 years,
 371 ~~been recipients of one or more client services within the last 4~~
 372 ~~years~~, except that one member of this group may be an immediate
 373 relative or legal representative of a current or former client;
 374 one representative with experience in the social services field;
 375 one representative with experience in law enforcement or other
 376 professional investigations; two providers who deliver client
 377 services as defined in s. 402.164(2); and two representatives of
 378 professional organizations, one of whom represents the health-
 379 related professions and one of whom represents the legal
 380 profession. Priority of consideration shall be given to the
 381 appointment of at least one medical or osteopathic physician, as
 382 defined in chapters 458 and 459, and one member in good standing
 383 of The Florida Bar. Priority of consideration shall also be
 384 given to the appointment of an individual who is receiving
 385 client services and whose primary interest, experience, or
 386 expertise lies with a major client group not represented on the
 387 local council at the time of the appointment. A person who is
 388 employed in client services by any state agency may not be
 389 appointed to the local council. No more than three individuals
 390 who are providing contracted services for clients to any state

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391 agency may serve on the same local council at the same time.
392 Persons related to each other by consanguinity or affinity
393 within the third degree may not serve on the same local council
394 at the same time. All members of local councils must
395 successfully complete a standardized training course for council
396 members within 3 months after their appointment to a local
397 council. A member may not be assigned to an investigation that
398 requires access to confidential information prior to the
399 completion of the training course. After he or she completes the
400 required training course, a member of a local council may not be
401 prevented from participating in any activity of that local
402 council, including investigations and monitoring, except due to
403 a conflict of interest as described in the procedures
404 established by the statewide council under subsection (7).

405 (3)(a) With respect to existing local councils, each
406 member shall serve a term of 4 years. Upon expiration of a term
407 and in the case of any other vacancy, the local council shall
408 appoint a replacement by majority vote of the local council,
409 subject to the approval of the Attorney General ~~Governor~~. A
410 member may serve no more than two full consecutive terms but may
411 subsequently be appointed to another local council in the same
412 service area.

413 (b)1. The Attorney General ~~Governor~~ shall appoint the
414 first four members of any newly created local council, ~~and~~ and
415 those four members shall select the remaining members, subject
416 to approval of the Attorney General ~~Governor~~. If any of the
417 first four members are not appointed within 60 days after a
418 request is submitted to the Attorney General ~~Governor~~, those

419 members may be appointed by a majority vote of the statewide
 420 council without further action by the Attorney General ~~Governor~~.

421 2. Members shall serve for no more than two full
 422 consecutive terms of 4 years, except that at the time of initial
 423 appointment, terms shall be staggered so that approximately one-
 424 half of the members first appointed shall serve for terms of 4
 425 years and the remaining members shall serve for terms of 2
 426 years. Vacancies shall be filled as provided in subparagraph 1.

427 (c) If no action is taken by the Attorney General ~~Governor~~
 428 to approve or disapprove a replacement of a member under this
 429 subsection within 60 days after the local council has notified
 430 the Attorney General ~~Governor~~ of the appointment, then the
 431 appointment of the replacement may be considered approved by the
 432 Attorney General ~~Governor~~.

433 (4) Each local council shall elect a chair and a vice
 434 chair for a term of 1 year. A person may not serve as chair or
 435 vice chair for more than two consecutive terms. The chair's and
 436 vice chair's terms expire on September 30 of each year.

437 (5) If a local council member fails to attend two-thirds
 438 of the regular local council meetings during the course of a
 439 year, the local council may replace the member. If a member of a
 440 local council violates this section or procedures adopted under
 441 this section, the local council may recommend to the Attorney
 442 General ~~Governor~~ that the member be removed.

443 (6) A member of a local council shall receive no
 444 compensation but is entitled to be reimbursed for per diem and
 445 travel expenses as provided in s. 112.061. Members may be
 446 provided reimbursement for long-distance telephone calls if the

447 | calls were necessary to an investigation of an abuse or
 448 | deprivation of constitutional or human rights or to the duties
 449 | and responsibilities of the council.

450 | (7) A local council shall first seek to resolve a
 451 | complaint with the appropriate local administration, agency, or
 452 | program; any matter not resolved by the local council shall be
 453 | referred to the statewide council. A local council shall comply
 454 | with appeal procedures established by the statewide council. The
 455 | duties, actions, and procedures of both new and existing local
 456 | councils shall conform to ss. 402.164-402.167. The duties of
 457 | each local council shall include, but are not limited to:

458 | (a) Serving as an independent third-party mechanism for
 459 | protecting the constitutional and human rights of any client
 460 | within a program or facility operated, funded, licensed,
 461 | regulated, or contracted by a state agency providing client
 462 | services in the local services area.

463 | (b) Monitoring by site visit and access to records the
 464 | delivery and use of services, programs, or facilities operated,
 465 | funded, licensed, regulated, or contracted by a state agency
 466 | that provides client services, for the purpose of preventing
 467 | abuse or deprivation of the constitutional and human rights of
 468 | clients. A local council may conduct an unannounced site visit
 469 | or monitoring visit that involves access to records if the visit
 470 | is conditioned upon a complaint. A complaint may be generated by
 471 | the council itself if information from a state agency that
 472 | provides client services or from other sources indicates a
 473 | situation at the program or facility that indicates possible
 474 | abuse, ~~or~~ neglect, or deprivation of constitutional or ~~and~~ human

475 | rights of clients. Local councils may self-generate complaints
 476 | based on local media reports, investigations, reports received
 477 | from state agencies or others, monitoring visits, or other
 478 | indications of a possible or potential problem. The local
 479 | council shall follow uniform criteria established by the
 480 | statewide council for the review of information and generation
 481 | of complaints. Routine program monitoring and reviews that do
 482 | not require an examination of records may be made unannounced.

483 | (c) Receiving, investigating, and resolving reports of
 484 | abuse or deprivation of constitutional or ~~and~~ human rights by a
 485 | state agency or contracted service provider in the local service
 486 | area.

487 | (d) Reviewing and making recommendations regarding how a
 488 | client's constitutional or human rights might be affected by the
 489 | client's participation in a proposed research project, prior to
 490 | implementation of the project.

491 | (e) Appealing to the statewide council any complaint
 492 | unresolved at the local level. Any matter that constitutes a
 493 | threat to the life, safety, or health of a client or is
 494 | multiservice-area in scope shall automatically be referred to
 495 | the statewide council. Matters that appear to be indicative of a
 496 | multiservice-area or statewide problem shall also be referred to
 497 | the statewide council.

498 | (f) Submitting an annual report by September 30 to the
 499 | statewide council concerning activities, recommendations, and
 500 | complaints reviewed or developed by the local council during the
 501 | year.

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502 (g) Conducting meetings at least six times a year at the
503 call of the chair and at other times at the call of the Attorney
504 General ~~Governor~~, at the call of the statewide council, or by
505 written request of a majority of the members of the local
506 council.

507 (8) (a) In the performance of its duties, a local council
508 shall have the same authority to access client records, state
509 agency files, reports from any program or service, records of
510 contractors and providers, and records from any facility
511 operated, funded, licensed, regulated, or under contract with a
512 state agency as specified in s. 402.165(8)(a).

513 (b) All information obtained or produced by a local
514 council that is made confidential by law, that relates to the
515 identity of any client or group of clients subject to the
516 protection of this section, or that relates to the identity of
517 an individual who provides information to the local council
518 about abuse or about alleged violations of constitutional or
519 human rights~~7~~ is confidential and exempt from s. 119.07(1) and
520 s. 24(a), Art. I of the State Constitution.

521 (c) Portions of meetings of a local council that relate to
522 the identity of any client or group of clients subject to the
523 protections of this section, that relate to the identity of an
524 individual who provides information to the local council about
525 abuse or about alleged violations of constitutional or human
526 rights, or when testimony is provided relating to records
527 otherwise made confidential by law~~7~~ are exempt from s. 286.011
528 and s. 24(b), Art. I of the State Constitution.

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529 (d) All records prepared by members of a local council
530 that reflect a mental impression, investigative strategy, or
531 theory are exempt from s. 119.07(1) and s. 24(a), Art. I of the
532 State Constitution until the investigation is completed or until
533 the investigation ceases to be active; however, portions of the
534 record considered confidential by paragraph (c) shall remain
535 confidential. For purposes of this section, an investigation is
536 considered "active" while the investigation is being conducted
537 by a local council with a reasonable, good faith belief that it
538 may lead to a finding of abuse or of a violation of
539 constitutional or human rights. An investigation does not cease
540 to be active so long as the local council is proceeding with
541 reasonable dispatch and there is a good faith belief that action
542 may be initiated by the local council or other administrative or
543 law enforcement agency.

544 (e) Any person who knowingly and willfully discloses any
545 such confidential information commits a misdemeanor of the
546 second degree, punishable as provided in s. 775.082 or s.
547 775.083.

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

550 402.167 Duties of state agencies that provide client
551 services relating to the Florida Statewide Advocacy Council and
552 the Florida local advocacy councils.--The secretaries or
553 directors of the state agencies shall ensure the full
554 cooperation and assistance of employees of their respective
555 state agencies with members and staff of the statewide and local
556 councils. The secretary or director of each state agency

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557 providing client services shall notify its contract, service,
558 and treatment providers of the powers, duties, and
559 responsibilities of the statewide and local councils and shall
560 ensure that all contract providers, including subcontractors,
561 are informed of these powers, duties, and responsibilities,
562 including those relating to access to records.

563 Section 5. This act shall take effect July 1, 2006.