

By Senators Wilson and Fasano

33-1000-06

1 A bill to be entitled
2 An act relating to the Florida Statewide
3 Advocacy Council; amending s. 402.164, F.S.;
4 redefining the term a "client" to include a
5 child, juvenile, or youth; redefining the term
6 "client services" to include services that are
7 provided to a client by a service provider
8 licensed or regulated by the state; amending s.
9 402.165, F.S.; transferring the Florida
10 Statewide Advocacy Council from the Executive
11 Office of the Governor to the Department of
12 Legal Affairs; providing for the appointment of
13 members to the statewide council; providing
14 criteria for appointment to the council;
15 providing procedures by which the Attorney
16 General may fill a vacancy on the statewide
17 council; requiring the Attorney General to
18 select an executive director for the statewide
19 council; requiring the executive director to
20 prepare a budget for submission to the
21 Legislature; providing for notice for telephone
22 conference calls; amending s. 402.166, F.S.;
23 requiring that local councils operate within
24 areas approved by the Attorney General;
25 providing for the inclusion on the local
26 council of persons who have experience in
27 social services and law enforcement; providing
28 procedures by which the Attorney General may
29 fill vacancies on a local council; amending s.
30 402.167, F.S.; requiring each state agency
31 providing client services to ensure that all

1 contract providers, including subcontractors,
2 are informed of the powers, duties, and
3 responsibilities of the statewide and local
4 councils; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

10 402.164 Legislative intent; definitions.--

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

12 (b) "Client" means a client as defined in s. 393.063,
13 s. 394.67, s. 397.311, or s. 400.960~~;~~ a forensic client or
14 client as defined in s. 916.106~~;~~ a child or youth as defined
15 in s. 39.01~~;~~ a child as defined in s. 827.01; a child,
16 juvenile, or youth as defined in s. 985.03; a family as
17 defined in s. 414.0252~~;~~ a participant as defined in s.
18 400.551~~;~~ a resident as defined in s. 400.402~~;~~ a Medicaid
19 recipient or recipient as defined in s. 409.901~~;~~ a child
20 receiving child care as defined in s. 402.302~~;~~ a disabled
21 adult as defined in s. 410.032 or s. 410.603~~;~~ or a victim as
22 defined in s. 39.01 or s. 415.102 as each definition applies
23 within its respective chapter.

24 (c) "Client services" means health and human services
25 that are provided to a client by a state agency or a service
26 provider operated, funded, licensed, regulated, or contracted
27 by the state.

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

30 402.165 Florida Statewide Advocacy Council;
31 confidential records and meetings.--

1 (1)(a) The Florida Statewide Advocacy Council shall be
2 located in the Department of Legal Affairs ~~Executive Office of~~
3 ~~the Governor~~ but may be assigned by the Legislature ~~Governor~~
4 for administrative support purposes to any state ~~Governor's~~
5 agency. Members of the council shall represent the interests
6 of clients who are served by state agencies that provide
7 client services. In the performance of its duties, the
8 statewide council is not subject to control, supervision, or
9 direction by any state agency or governmental entity ~~providing~~
10 ~~client services in the performance of its duties.~~

11 (b) The council shall consist of not fewer ~~less~~ than
12 15 and not more than 20 residents of this state, one from each
13 service area designated by the statewide council, who broadly
14 represent the interests of the public and the clients of the
15 state agencies that provide client services. Members of the
16 council shall be appointed by the Attorney General from a list
17 of nominations submitted as follows:

18 1. Four nominations by the Governor.

19 2. Four nominations by the President of the Senate.

20 3. Four nominations by the Speaker of the House of
21 Representatives.

22 4. Three nominations by the Chief Financial Officer.

23
24 If the council elects to expand the council to the maximum
25 membership of 20 members, the remaining five members shall be
26 appointed by the Attorney General.

27 (c) The members shall be representative of groups of
28 state residents as follows: a provider who delivers client
29 services; a nonsalaried representative of nonprofit agencies
30 or civic groups; a representative of consumer groups who is
31 currently receiving, or has received, one or more client

1 services within the past 4 years; a representative who has
2 experience in social services; a representative who has
3 experience in law enforcement or other professional
4 investigations; and two residents of the state who do not
5 represent any of the foregoing groups, but may represent a
6 health-related profession or the legal profession. In
7 appointing the representative of the health-related
8 professions, the appointing authority shall give priority of
9 consideration to a physician licensed under chapter 458 or
10 chapter 459; and, in appointing the representative of the
11 legal profession, the appointing authority shall give priority
12 of consideration to a member in good standing of The Florida
13 Bar. Of the remaining members, no more than one shall be an
14 elected official. Except for the member who is an elected
15 public official, each candidate for the statewide council must
16 be given priority consideration if he or she has completed at
17 least one term ~~served~~ as a member of a local council or the
18 Florida Statewide Advocacy Council.

19 (d) Persons related to each other by consanguinity or
20 affinity within the third degree may not serve on the
21 statewide council at the same time.

22 (2) Members of the statewide council shall be
23 appointed to serve terms of 4 years. A member may not serve
24 more than two full consecutive terms, unless he or she is
25 recommended by all local councils in the area and approved by
26 the statewide council.

27 (3) If a member of the statewide council fails to
28 attend two-thirds of the regular council meetings or
29 two-thirds of conference-call meetings during the course of a
30 year, the position held by the member may be deemed vacant by
31 the council. The Attorney General ~~Governor~~ shall fill the

1 | vacancy according to subsection (4). If a member of the
2 | statewide council violates this section or procedures adopted
3 | under this section, the council may recommend to the Attorney
4 | General ~~Governor~~ that the member be removed.

5 | (4) The Attorney General ~~Governor~~ may fill a vacancy
6 | on the statewide council from a list of nominees submitted by
7 | the nominating authority ~~statewide council or appoint any~~
8 | ~~qualified person~~. A list of candidates may be submitted to the
9 | nominating authority ~~statewide council~~ by the statewide
10 | council or a local council in the service area from which the
11 | vacancy occurs. Priority of consideration shall be given to
12 | the appointment of an individual who is receiving one or more
13 | client services and whose primary interest, experience, or
14 | expertise lies with a major client group that is not
15 | represented on the council at the time of the appointment. If
16 | the Attorney General does not make an appointment ~~is not made~~
17 | within 60 days after a vacancy occurs on the statewide
18 | council, the vacancy may be filled by a majority vote of the
19 | statewide council without further action by the Attorney
20 | General ~~Governor~~. A person who is employed by any state agency
21 | in client services may not be appointed to the statewide
22 | council.

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

26 | (b) The Attorney General, after consultation with the
27 | council, ~~Governor~~ shall select an executive director who shall
28 | serve at the pleasure of the Attorney General ~~Governor~~ and
29 | shall perform the duties delegated to him or her by the
30 | council. The compensation of the executive director and staff
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1 shall be established in accordance with the rules of the
2 Selected Exempt Service.

3 (c) The council may apply for, receive, and accept
4 grants, gifts, donations, bequests, and other payments
5 including money or property, real or personal, tangible or
6 intangible, and service from any governmental or other public
7 or private entity or person and make arrangements as to the
8 use of same. The Attorney General and the council shall
9 establish a not-for-profit entity to secure and receive the
10 funding, gifts, donations, and grants.

11 (d) In consultation with the statewide council the
12 executive director shall annually prepare a budget request
13 that, after it is approved by the council, shall be submitted
14 to the Attorney General for submission to the Legislature
15 ~~Governor~~. The budget shall include a request for funds to
16 carry out the activities and mission of the statewide council
17 and the local councils. The budget shall include, at a
18 minimum, a request for funds for support staff, meetings of
19 the statewide and local councils, committee meetings, required
20 training events, and legal expenses for the local councils if
21 a local council is denied access to the records of a client.

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, licensed,
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1 regulated, or contracted by any state agency that provides
2 client services.

3 (b) Monitoring, by site visit and through access to
4 records, the delivery and use of services, programs, or
5 facilities operated, funded, licensed, regulated, or
6 contracted by any state agency that provides client services,
7 for the purpose of preventing abuse or deprivation of the
8 constitutional and human rights of clients. The statewide
9 council may conduct an unannounced site visit or monitoring
10 visit that involves the inspection of records if the visit is
11 conditioned upon a complaint. A complaint may be initiated
12 ~~generated~~ by the council itself, after consulting with the
13 Department of Legal Affairs ~~Governor's office,~~ if information
14 from any state agency that provides client services or from
15 other sources indicates a situation at the program or facility
16 that indicates possible abuse or neglect or deprivation of the
17 constitutional or and human rights of clients. A local council
18 may initiate a complaint based upon local media reports,
19 investigations, reports received from state agencies,
20 monitoring visits, or other indicators of possible abuse or
21 neglect or deprivation of the constitutional or human rights
22 of a client. The statewide council shall establish and follow
23 uniform criteria for the review of information and initiation
24 ~~generation~~ of complaints. Routine program monitoring and
25 reviews that do not require an examination of records may be
26 made unannounced.

27 (c) Receiving, investigating, and resolving reports of
28 abuse or deprivation of constitutional and human rights
29 referred to the statewide council by a local council. If a
30 matter constitutes a threat to the life, safety, or health of
31 clients or is multiservice-area in scope, the statewide

1 council may exercise its powers without the necessity of a
2 referral from a local council.

3 (d) Reviewing existing programs or services and new or
4 revised programs of the state agencies that provide client
5 services and making recommendations as to how the rights of
6 clients are affected.

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

11 (f) Conducting meetings at least six times a year at
12 the call of the chair and at other times at the call of the
13 Attorney General ~~Governor~~ or by written request of six members
14 of the council. Any telephone conference call must be
15 advertised for weekly meetings and will be held as deemed
16 necessary by the executive committee of the statewide council,
17 the statewide council, or a standing or special committee. The
18 chair may call for a council meeting at the time of any
19 scheduled teleconference as well as authorize the use of a
20 conference call for other meetings as requested. A conference
21 call meeting may not be included in the required six meetings
22 a year, but some of the required meetings may be workshop
23 meetings that include the participation of only statewide
24 council members.

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. The procedures shall
28 include the duties and responsibilities of the statewide
29 council and the local council and their respective staff.

30 (h) Supervising the operations of the local councils
31 and monitoring the performance and activities of all local

1 councils and providing direction and technical assistance to
2 members of local councils. The supervisory responsibility of
3 the statewide council shall include the development and
4 adoption of procedures for disciplinary actions, suspensions,
5 and recommendations to the Attorney General for the removal of
6 a local council member.

7 (i) Providing for the development and presentation of
8 a standardized training program for members of the statewide
9 council and local councils.

10 (j) Developing and maintaining interagency agreements
11 between the council and the state agencies providing client
12 services. The interagency agreements shall address the
13 coordination of efforts and identify the roles and
14 responsibilities of the statewide and local councils and each
15 agency in fulfillment of their responsibilities, including
16 access to records for the purpose of carrying out
17 investigatory and monitoring responsibilities. The agreements
18 must be negotiated and signed annually or at such other times
19 as are deemed appropriate by the council.

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

22 1. Authority to receive, investigate, seek to
23 conciliate, hold hearings on, and act on complaints that
24 allege any abuse or deprivation of constitutional or human
25 rights of persons who receive or have been denied client
26 services from any state agency.

27 2. Access to all client records, files, and reports
28 from any program, service, or facility that is operated,
29 funded, licensed, regulated, or contracted by any state agency
30 that provides client services and any records that are
31 material to its investigation and are in the custody of any

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

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

29 | (b) All information obtained or produced by the
30 | statewide council that is made confidential by law, that
31 | relates to the identity of any client or group of clients

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

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

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

31

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

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

7 402.166 Florida local advocacy councils; confidential
8 records and meetings.--

9 (1) The local councils are subject to direction from
10 and the supervision of the statewide council. The statewide
11 council shall participate in the selection and assignment of
12 ~~assign~~ staff to provide support to the local councils. Local
13 support staff shall work under the direction and supervision
14 of the executive director with consultation by statewide
15 council members assigned to the service area. The number and
16 areas of responsibility of the local councils, not to exceed
17 46 councils statewide, shall be determined by the statewide
18 council and shall be consistent with ~~judicial circuit~~
19 boundaries approved by the Attorney General. Local councils
20 shall meet at facilities, programs, or service centers under
21 their jurisdiction whenever possible.

22 (2) Each local council shall have no fewer than 7
23 members and no more than 15 members, no more than 4 of whom
24 are or have been recipients of one or more client services
25 within the last 4 years, except that one member of this group
26 may be an immediate relative or legal representative of a
27 current or former client; one member having experience in
28 social services; one member having experience in law
29 enforcement or other professional investigations; two
30 providers who deliver client services as defined in s.
31 402.164(2); and two representatives of professional

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

29 (3)(a) With respect to existing local councils, each
30 member shall serve a term of 4 years. Upon expiration of a
31 term and in the case of any other vacancy, the local council

1 shall appoint a replacement by majority vote of the local
2 council, subject to the approval of the Attorney General
3 ~~Governor~~. A member may serve no more than two full
4 consecutive terms. However, the member may be appointed to
5 another local council in the same area.

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

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

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

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

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

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

15 (7) A local council shall first attempt ~~seek~~ to
16 resolve a complaint with the appropriate local administration,
17 agency, or program; any matter not resolved by the local
18 council shall be referred to the statewide council. A local
19 council must ~~shall~~ comply with appeal procedures established
20 by the statewide council. The duties, actions, and procedures
21 of both new and existing local councils shall conform to ss.
22 402.164-402.167. The duties of each local council must ~~shall~~
23 include, but are not limited 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,
27 licensed, regulated, or contracted by a state agency providing
28 client services in the local services area.

29 (b) Monitoring by site visit and access to records the
30 delivery and use of services, programs, or facilities
31 operated, funded, licensed, regulated, or contracted by a

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

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

20 | (d) Reviewing and making recommendations regarding how
21 | a client's constitutional or human rights might be affected by
22 | the client's participation in a proposed research project,
23 | before ~~prior to~~ implementation of the project.

24 | (e) Appealing to the statewide council any complaint
25 | unresolved at the local level. Any matter that constitutes a
26 | threat to the life, safety, or health of a client or is
27 | multiservice-area in scope shall automatically be referred to
28 | the statewide council.

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

3 | (g) 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 | Attorney General ~~Governor~~, at the call of the statewide
6 | council, or by written request of a majority of the members of
7 | the local council.

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

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

23 | (c) Portions of meetings of a local council that
24 | relate to the identity of any client or group of clients
25 | subject to the protections of this section, that relate to the
26 | identity of an individual who provides information to the
27 | local council about abuse or about alleged violations of
28 | constitutional or human rights, or when testimony is provided
29 | relating to records otherwise made confidential by law, are
30 | exempt from s. 286.011 and s. 24(b), Art. I of the State
31 | Constitution.

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

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

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

22 402.167 Duties of state agencies that provide client
23 services relating to the Florida Statewide Advocacy Council
24 and the Florida local advocacy councils.--The secretaries or
25 directors of the state agencies shall ensure the full
26 cooperation and assistance of employees of their respective
27 state agencies with members and staff of the statewide and
28 local councils. The secretary or director of each state agency
29 providing client services shall notify its contract, service,
30 and treatment providers of the powers, duties, and
31 responsibilities of the statewide and local councils and shall

1 ensure that all contract providers, including subcontractors
2 are informed of these powers, duties, and responsibilities.

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

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6 SENATE SUMMARY

7 Revises the definition of a "client" in advocacy cases to
8 include a child, juvenile, or youth and revises the
9 definition of "client services" to include services that
10 are provided to a client by a service provider licensed
11 or regulated by the state. Locates the Statewide Advocacy
12 Council in the Department of Legal Affairs. Provides for
13 the appointment of members to the statewide council, and
14 provides criteria for appointment to the council.
15 Provides procedures by which the Attorney General may
16 fill a vacancy on the statewide council. Requires the
17 Attorney General to select an executive director for the
18 statewide council. Requires the executive director to
19 prepare a budget for submission to the Legislature.
20 Provides for notice for telephone conference calls.
21 Provides that local councils must operate within areas
22 approved by the Attorney General. Provides for the
23 inclusion on the local council of persons with
24 social-service and law-enforcement experience. Provides
25 procedures by which the Attorney General may fill
26 vacancies on a local council. Requires each state agency
27 providing client services to ensure that all contract
28 providers, including subcontractors, are informed of the
29 powers, duties, and responsibilities of the statewide and
30 local councils.
31