

Committee Substitute for  
Committee Substitute for Senate Bill No. 340

An act relating to human rights; creating s. 402.164, F.S., and amending ss. 402.165, 402.166, 402.167, F.S.; renaming the statewide and district human rights advocacy committees as the Florida statewide and local advocacy councils; providing legislative intent with respect to the duties and powers of the councils; defining the terms “client” and “client services” as used in ss. 402.164-402.167, F.S.; providing for the duties of the councils with respect to monitoring the activities of, and investigating complaints against, state agencies that provide client services; revising council membership, appointment, officers, and terms of service; providing for revision of local council service areas; providing statewide council staff with select exempt service status; providing for access to records of the state agencies subject to council investigations; providing rulemaking authority to such state agencies; amending ss. 39.001, 39.202, 39.302, 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.118, 400.141, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 430.04, F.S.; conforming references; providing an effective date.

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

Section 1. Section 402.164, Florida Statutes, is created to read:

402.164 Legislative intent; definition.—

(1)(a) It is the intent of the Legislature to use citizen volunteers as members of the Florida Statewide Advocacy Council and the Florida local advocacy councils, and to have volunteers operate a network of councils that shall, without interference by an executive agency, undertake to discover, monitor, investigate, and determine the presence of conditions or individuals that constitute a threat to the rights, health, safety, or welfare of persons who receive services from state agencies.

(b) It is the further intent of the Legislature that the monitoring and investigation shall safeguard the health, safety, and welfare of consumers of services provided by these state agencies.

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

(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.

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

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

~~402.165 Florida Statewide Advocacy Council Statewide Human Rights Advocacy Committee; confidential records and meetings.—~~

(1) There is created within the Department of Children and Family Services a Statewide Human Rights Advocacy Committee within the Department of Children and Family Services is redesignated as the Florida Statewide Advocacy Council. Members of the council shall represent the interests of clients who are served by state agencies that provide client services. The Department of Children and Family Services shall provide administrative support and service to the statewide council committee to the extent requested by the executive director within available resources. The statewide council is not Human Rights Advocacy Committee shall not be subject to control, supervision, or direction by the Department of Children and Family Services in the performance of its duties. The council committee shall consist of 15 residents of this state citizens, one from each service area designated by the statewide council district of the Department of Children and Family Services, who broadly represent the interests of the public and the clients of the state agencies that provide client services that department. The members shall be representative of four five groups of state residents citizens as follows: one provider who delivers elected public official; two providers who deliver client services as defined in s. 402.164(2); two or programs to clients of the Department of Children and Family Services; four nonsalaried representatives of nonprofit agencies or civic groups; four representatives of health and rehabilitative services consumer groups who are currently receiving, or have received, client services from the Department of Children and Family Services within the past 4 years, at least one of whom must be a consumer of one or more client services; and two four residents of the state who do not represent any of the foregoing groups, one two of whom represents the represent health-related professions and one two of whom represents represent the legal profession. In appointing the representative representatives of the health-related professions, the appointing authority shall give priority of consideration to a physician licensed under chapter 458 or chapter 459; and, in appointing the representative representative representatives of the legal profession, the appointing authority shall give priority of consideration to a member in good standing of The Florida Bar. Of the remaining members, no more than one shall be an elected official; no more than one shall be a health professional; no more than one shall be a legal professional; no more than one shall be a provider; no more than two shall be nonsalaried representatives of nonprofit agencies or civic groups; and no more than one shall be an individual whose primary area of interest, experience, or expertise is a major client group of a client services group that is not represented on the council at the time of appointment. Except for the member who is an elected public official, each member of the statewide council Human Rights Advocacy Committee must have served as a member of a Florida advocacy council, with priority consideration given to an applicant who has served a full term on a local council district human rights

advocacy committee. Persons related to each other by consanguinity or affinity within the third degree may not serve on the statewide council Human Rights Advocacy Committee at the same time.

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

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

(4) The Governor shall fill each vacancy on the statewide council Human Rights Advocacy Committee from a list of nominees submitted by the statewide council committee. A list of candidates may shall be submitted to the statewide council by the local council in the service area committee by the district human rights advocacy committee in the district from which the vacancy occurs. Priority of consideration shall be given to the appointment of an individual who is receiving one or more client services and whose primary interest, experience, or expertise lies with a major client group that is of the Department of Children and Family Services not represented on the council committee at the time of the appointment. If an appointment is not made within 60 days after a vacancy occurs on the statewide council committee, the vacancy may shall be filled by a majority vote of the statewide council committee without further action by the Governor. A No person who is employed by any state agency in client the Department of Children and Family services may not be appointed to the statewide council committee.

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

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

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

(d) The statewide council Human Rights Advocacy Committee shall annually prepare a budget request that is not to be changed shall not be subject

to change by department staff after it is approved by the council committee, but the budget request shall be submitted to the Governor by the department for transmittal to the Legislature. The budget shall include a request for funds to carry out the activities of the statewide council and the local councils Human Rights Advocacy Committee and the district human rights advocacy committees.

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

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

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

(b) Monitoring by site visit and inspection of records, the delivery and use of services, programs, or facilities operated, funded, or contracted regulated, or licensed by any state agency that provides client the Department of Children and Family services, for the purpose of preventing abuse or deprivation of the constitutional and human rights of clients. The statewide council Human Rights Advocacy Committee may conduct an unannounced site visit or monitoring visit that involves the inspection of records if the such visit is conditioned upon a complaint. A complaint may be generated by the council committee itself if information from any state agency that provides client services or from the Department of Children and Family Services or other sources indicates a situation at the program or facility that indicates possible abuse or neglect or deprivation of the constitutional and human rights of clients. The statewide council Human Rights Advocacy Committee shall establish and follow uniform criteria for the review of information and generation of complaints. Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

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

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

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

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

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

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

2. The organization and operation of the statewide council and the local councils committee and district committees, including procedures for replacing a member, formats for maintaining records of council committee activities, and criteria for determining what constitutes a conflict of interest for purposes of assigning and conducting investigations and monitoring;

3. Uniform procedures for the statewide council and the local councils relating to receiving and investigating committee and district committees to receive and investigate reports of abuse or deprivation of constitutional or human rights;

4. The responsibilities and relationship of the local councils district human rights advocacy committees to the statewide council committee;

5. The relationship of the statewide council to the state agencies that receive and investigate reports of abuse and neglect of clients of state agencies committee to the Department of Children and Family Services, including the way in which reports of findings and recommendations related to reported abuse or neglect are given to the appropriate state agency that provides client Department of Children and Family services;

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

7. Procedures for appeal. An appeal to the statewide council state committee is made by a local council district human rights advocacy committee when a valid complaint is not resolved at the local district level. The statewide council committee may appeal an unresolved complaint to the secretary or director of the appropriate state agency that provides client of the Department of Children and Family services. If, after exhausting all remedies, the statewide council committee is not satisfied that the complaint can be resolved within the state agency Department of Children and Family Services, the appeal may be referred to the Governor or the Legislature;

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

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

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

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

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

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

2. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, or contracted licensed, or regulated by any state agency that provides client ~~the Department of Children and Family services and any records that~~ which are material to its investigation and ~~which~~ are in the custody of any other agency or department of government. The council's ~~committee's~~ investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement agencies or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation ~~that~~ which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside the state agency, or outside a state facility, agencies and facilities and whose client is competent and refuses disclosure.

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

(b) All information obtained or produced by the statewide council that ~~committee which~~ is made confidential by law, ~~that~~ which relates to the identity of any client or group of clients subject to the protections of this section, or ~~that~~ which relates to the identity of an individual who provides information to the council ~~committee~~ about abuse or about alleged violations

of constitutional or human rights, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

402.166 Florida local advocacy councils ~~District human rights advocacy committees~~; confidential records and meetings.—

(1) Each At least one district human rights advocacy committee within is created in each service area district of the Department of Children and Family Services is redesignated as the Florida Local Advocacy Council. The local councils are ~~district human rights advocacy committees~~ shall be subject to direction from and the supervision of the statewide council Human Rights Advocacy Committee. The Department of Children and Family Services district administrator shall assign staff to provide administrative support to the local councils committees, and staff assigned to these positions shall perform the functions required by the local councils committee without interference from the department. The local councils district committees shall direct the activities of staff assigned to them to the extent necessary for the local councils committees to carry out their duties. The number and areas of responsibility of the local councils district human rights advocacy committees, not to exceed 46 councils statewide three in any district, shall be determined by the statewide council and shall be consistent with judicial boundaries. Local councils majority vote of district committee members. ~~However, district II may have four committees. District committees shall meet at facilities under their jurisdiction whenever possible.~~

(2) Each local council district human rights advocacy committee shall have no fewer than 7 members and no more than 15 members, no more than 4 25 percent of whom are or have been recipients of one or more client clients of the Department of Children and Family services within the last 4 years, except that one member of this group may be an immediate relative or legal representative of a current or former client; two providers, who deliver client services as defined in s. 402.164(2) or programs to clients of the Department of Children and Family Services; and two representatives of professional organizations, one of whom represents the health-related professions and one of whom represents the legal profession. Priority of consideration shall be given to the appointment of at least one medical or osteopathic physician, as defined in chapters 458 and 459, and one member in good standing of The Florida Bar. Priority of consideration shall also be given to the appointment of an individual who is receiving client services and whose primary interest, experience, or expertise lies with a major client group of the Department of Children and Family Services not represented on the committee at the time of the appointment. ~~In no case shall~~ A person who is employed in client services by any state agency may not be appointed to the council. No more than three by the Department of Children and Family Services be selected as a member of a committee. ~~At no time shall~~ individuals who are providing contracted services for clients to any state agency may serve on the same local council at the same time to the Department of Children and Family Services constitute more than 25 percent of the membership of a district committee. Persons related to each other by consanguinity or affinity within the third degree may shall not serve on the same local council district human rights advocacy committee at the same time. All members of local councils district human rights advocacy committees must successfully complete a standardized training course for council committee members within 3 months after their appointment to a local council committee. A member may not be assigned to an investigation that which requires access to confidential information prior to the completion of the training course. After he or she completes the required training course, a member of a local council may committee shall not be prevented from participating in any activity of that local council committee, including investigations and monitoring, except due to a conflict of interest as described in the procedures established by the statewide council Human Rights Advocacy Committee pursuant to subsection (7).

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

(b)1. The Governor shall appoint the first four 4 members of any newly created local council committee; and those four 4 members shall select the remaining ~~11~~ members, subject to approval of the Governor. If any of the first four members are not appointed within 60 days after ~~of~~ a request is being submitted to the Governor, those members may shall be appointed by a majority vote of the statewide council district committee without further action by the Governor.

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

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

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

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

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

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

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

(a) Serving as an independent third-party mechanism for protecting the constitutional and human rights of any client within a program or facility

operated, funded, or contracted licensed, or regulated by a state agency providing client the Department of Children and Family services.

(b) Monitoring by site visit and inspection of records, the delivery and use of services, programs, or facilities operated, funded, or contracted ~~regulated or licensed by a state agency that provides client the Department of Children and Family services,~~ for the purpose of preventing abuse or deprivation of the constitutional and human rights of clients. A local council district human rights advocacy committee may conduct an unannounced site visit or monitoring visit that involves the inspection of records if the such visit is conditioned upon a complaint. A complaint may be generated by the council committee itself if information from a state agency that provides client the Department of Children and Family services or from other sources indicates a situation at the program or facility that indicates possible abuse or neglect or deprivation of constitutional and human rights of clients. The ~~local council district human rights advocacy committees~~ shall follow uniform criteria established by the statewide council Human Rights Advocacy Committee for the review of information and generation of complaints. Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

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

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

(e) Reviewing existing programs ~~or services~~ and proposed new or revised programs of client the Department of Children and Family services and making recommendations as to how these programs and services affect or might affect the constitutional or human rights of clients are affected.

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

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

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

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

1. Access to all client records, files, and reports from any program, service, or facility that is operated, funded, or contracted licensed, or regulated by any state agency that provides client the Department of Children and Family services and any records that which are material to its investigation and which are in the custody of any other agency or department of government. The council's committee's investigation or monitoring shall not impede or obstruct matters under investigation by law enforcement agencies or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation that which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside state agencies and facilities and whose client is competent and refuses disclosure.

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

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

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

(d) All records prepared by members of a local council that the committee which reflect a mental impression, investigative strategy, or theory are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State

Constitution until the investigation is completed or until the investigation ceases to be active. For purposes of this section, an investigation is considered "active" while such investigation is being conducted by a local council ~~the committee~~ with a reasonable, good faith belief that it may lead to a finding of abuse or of a violation of constitutional or human rights. An investigation does not cease to be active so long as the council committee is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the council ~~committee~~ or other administrative or law enforcement agency.

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

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

402.167 Duties of state agencies that provide client services relating to the Florida Statewide Advocacy Council and the Florida local advocacy councils ~~Department duties relating to the Statewide Human Rights Advocacy Committee and the District Human Rights Advocacy Committees.~~ —

(1) Each state agency that provides client ~~The Department of Children and Family~~ services shall adopt rules that ~~which~~ are consistent with law, amended to reflect any statutory changes, and that ~~which~~ rules address at least the following:

(a) Procedures by which ~~Department of Children and Family Services~~ district staff of state agencies refer reports of abuse of clients to the Florida local advocacy councils ~~district human rights advocacy committees~~.

(b) Procedures by which client information is made available to members of the Florida Statewide Advocacy Council and the Florida local advocacy councils ~~Human Rights Advocacy Committee and the district human rights advocacy committees~~.

(c) Procedures by which recommendations made by the statewide and local councils ~~human rights advocacy committees~~ will be incorporated into Department of Children and Family Services policies and procedures of the state agencies.

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

(2) The Department of Children and Family Services shall provide for the location of local councils in area ~~district human rights advocacy committees in district headquarters~~ offices and shall provide necessary equipment and office supplies, including, but not limited to, clerical and word processing services, photocopiers, telephone services, and stationery and other necessary supplies, and shall establish the procedures by which council members are reimbursed for authorized expenditures.

(3) The secretaries or directors of the state agencies ~~secretary~~ shall ensure the full cooperation and assistance of employees of their respective

state agencies ~~the Department of Children and Family Services~~ with members and staff of the ~~statewide and local councils human rights advocacy committees~~. Further, the Secretary of ~~Children and Family Services~~ shall ensure that, to the extent possible, staff assigned to the ~~statewide council and local councils Human Rights Advocacy Committees and District Human Rights Advocacy Committees~~ are free of interference from or control by the department in performing their duties relative to those ~~councils committees~~.

Section 5. Paragraph (a) of subsection (7) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(7) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The department shall develop a state plan for the prevention of abuse, abandonment, and neglect of children and shall submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than January 1, 1983. The Department of Education and the Division of Children's Medical Services of the Department of Health shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils ~~the district human rights advocacy committees~~; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies, and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

Section 6. Paragraph (k) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(k) Any appropriate official of a Florida advocacy council ~~the human rights advocacy committee~~ investigating a report of known or suspected child abuse, abandonment, or neglect, the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.45, or the guardian ad litem for the child.

Section 7. Subsection (4) of section 39.302, Florida Statutes, is amended to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(4) The department shall notify the Florida local advocacy council ~~human rights advocacy committee~~ in the appropriate district of the department as to every report of institutional child abuse, abandonment, or neglect in the district in which a client of the department is alleged or shown to have been abused, abandoned, or neglected, which notification shall be made within 48 hours after the department commences its investigation.

Section 8. Paragraphs (g) and (i) of subsection (4) and subsection (7) of section 393.13, Florida Statutes, are amended to read:

393.13 Personal treatment of persons who are developmentally disabled.—

(4) CLIENT RIGHTS.—For purposes of this subsection, the term “client,” as defined in s. 393.063, shall also include any person served in a facility licensed pursuant to s. 393.067.

(g) No client shall be subjected to a treatment program to eliminate bizarre or unusual behaviors without first being examined by a physician who in his or her best judgment determines that such behaviors are not organically caused.

1. Treatment programs involving the use of noxious or painful stimuli shall be prohibited.

2. All alleged violations of this paragraph shall be reported immediately to the chief administrative officer of the facility or the district administrator, the department head, and the Florida local advocacy council ~~district human rights advocacy committee~~. A thorough investigation of each incident shall be conducted and a written report of the finding and results of such investigation shall be submitted to the chief administrative officer of the facility or the district administrator and to the department head within 24 hours of the occurrence or discovery of the incident.

3. The department shall promulgate by rule a system for the oversight of behavioral programs. Such system shall establish guidelines and procedures governing the design, approval, implementation, and monitoring of all behavioral programs involving clients. The system shall ensure statewide and local review by committees of professionals certified as behavior analysts pursuant to s. 393.17. No behavioral program shall be implemented unless reviewed according to the rules established by the department under this section. Nothing stated in this section shall prohibit the review of programs by the Florida statewide or local advocacy councils ~~district human rights advocacy committee~~.

(i) Clients shall have the right to be free from unnecessary physical, chemical, or mechanical restraint. Restraints shall be employed only in

emergencies or to protect the client from imminent injury to himself or herself or others. Restraints shall not be employed as punishment, for the convenience of staff, or as a substitute for a habilitative plan. Restraints shall impose the least possible restrictions consistent with their purpose and shall be removed when the emergency ends. Restraints shall not cause physical injury to the client and shall be designed to allow the greatest possible comfort.

1. Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered restraints, but shall be prescriptively designed and applied under the supervision of a qualified professional with concern for principles of good body alignment, circulation, and allowance for change of position.

2. Totally enclosed cribs and barred enclosures shall be considered restraints.

3. Daily reports on the employment of physical, chemical, or mechanical restraints by those specialists authorized in the use of such restraints shall be made to the appropriate chief administrator of the facility, and a monthly summary of such reports shall be relayed to the district administrator and the Florida local advocacy council ~~district human rights advocacy committee~~. The reports shall summarize all such cases of restraints, the type used, the duration of usage, and the reasons therefor. Districts shall submit districtwide quarterly reports of these summaries to the state Developmental Services Program Office.

4. The department shall post a copy of the rules promulgated under this section in each living unit of residential facilities. A copy of the rules promulgated under this section shall be given to all staff members of licensed facilities and made a part of all preservice and inservice training programs.

(7) **RESIDENT GOVERNMENT.**—Each residential facility providing services to clients who are desirous and capable of participating shall initiate and develop a program of resident government to hear the views and represent the interests of all clients served by the facility. The resident government shall be composed of residents elected by other residents, staff advisers skilled in the administration of community organizations, and a representative of the Florida local advocacy council ~~district human rights advocacy committee~~. The resident government shall work closely with the Florida local advocacy council ~~district human rights advocacy committee~~ and the district administrator to promote the interests and welfare of all residents in the facility.

Section 9. Paragraph (c) of subsection (5) and subsection (12) of section 394.459, Florida Statutes, are amended to read:

394.459 Rights of patients.—

(5) **COMMUNICATION, ABUSE REPORTING, AND VISITS.**—

(c) Each facility must permit immediate access to any patient, subject to the patient's right to deny or withdraw consent at any time, by the patient's

family members, guardian, guardian advocate, representative, Florida statewide or local advocacy council ~~human rights advocacy committee~~, or attorney, unless such access would be detrimental to the patient. If a patient's right to communicate or to receive visitors is restricted by the facility, written notice of such restriction and the reasons for the restriction shall be served on the patient, the patient's attorney, and the patient's guardian, guardian advocate, or representative; and such restriction shall be recorded on the patient's clinical record with the reasons therefor. The restriction of a patient's right to communicate or to receive visitors shall be reviewed at least every 7 days. The right to communicate or receive visitors shall not be restricted as a means of punishment. Nothing in this paragraph shall be construed to limit the provisions of paragraph (d).

(12) POSTING OF NOTICE OF RIGHTS OF PATIENTS.—Each facility shall post a notice listing and describing, in the language and terminology that the persons to whom the notice is addressed can understand, the rights provided in this section. This notice shall include a statement that provisions of the federal Americans with Disabilities Act apply and the name and telephone number of a person to contact for further information. This notice shall be posted in a place readily accessible to patients and in a format easily seen by patients. This notice shall include the telephone numbers of the Florida local advocacy council ~~local human rights advocacy committee~~ and Advocacy Center for Persons with Disabilities, Inc.

Section 10. Section 394.4595, Florida Statutes, is amended to read:

394.4595 Florida statewide and local advocacy councils; ~~Human Rights Advocacy Committee~~ access to patients and records.—Any facility designated by the department as a receiving or treatment facility must allow access to any patient and the clinical and legal records of any patient admitted pursuant to the provisions of this act by members of the Florida statewide and local advocacy councils ~~Human Rights Advocacy Committee~~.

Section 11. Paragraph (d) of subsection (2) of section 394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; patient's representative.—

(2) INVOLUNTARY PATIENTS.—

(d) When the receiving or treatment facility selects a representative, first preference shall be given to a health care surrogate, if one has been previously selected by the patient. If the patient has not previously selected a health care surrogate, the selection, except for good cause documented in the patient's clinical record, shall be made from the following list in the order of listing:

1. The patient's spouse.
2. An adult child of the patient.
3. A parent of the patient.

4. The adult next of kin of the patient.
5. An adult friend of the patient.
6. The appropriate Florida local advocacy council ~~human rights advocacy committee~~ as provided in s. 402.166.

Section 12. Subsection (1) of section 394.4598, Florida Statutes, is amended to read:

394.4598 Guardian advocate.—

(1) The administrator may petition the court for the appointment of a guardian advocate based upon the opinion of a psychiatrist that the patient is incompetent to consent to treatment. If the court finds that a patient is incompetent to consent to treatment and has not been adjudicated incapacitated and a guardian with the authority to consent to mental health treatment appointed, it shall appoint a guardian advocate. The patient has the right to have an attorney represent him or her at the hearing. If the person is indigent, the court shall appoint the office of the public defender to represent him or her at the hearing. The patient has the right to testify, cross-examine witnesses, and present witnesses. The proceeding shall be recorded either electronically or stenographically, and testimony shall be provided under oath. One of the professionals authorized to give an opinion in support of a petition for involuntary placement, as described in s. 394.467(2), must testify. A guardian advocate must meet the qualifications of a guardian contained in part IV of chapter 744, except that a professional referred to in this part, an employee of the facility providing direct services to the patient under this part, a departmental employee, a facility administrator, or member of the Florida local advocacy council ~~district human rights advocacy committee~~ shall not be appointed. A person who is appointed as a guardian advocate must agree to the appointment.

Section 13. Paragraph (b) of subsection (2) of section 394.4599, Florida Statutes, is amended to read:

394.4599 Notice.—

(2) INVOLUNTARY PATIENTS.—

(b) A receiving facility shall give prompt notice of the whereabouts of a patient who is being involuntarily held for examination, by telephone or in person within 24 hours after the patient's arrival at the facility, unless the patient requests that no notification be made. Contact attempts shall be documented in the patient's clinical record and shall begin as soon as reasonably possible after the patient's arrival. Notice that a patient is being admitted as an involuntary patient shall be given to the Florida local advocacy council ~~local human rights advocacy committee~~ no later than the next working day after the patient is admitted.

Section 14. Subsection (5) of section 394.4615, Florida Statutes, is amended to read:

394.4615 Clinical records; confidentiality.—

(5) Information from clinical records may be used by the Agency for Health Care Administration, the department, and the Florida advocacy councils ~~human rights advocacy committees~~ for the purpose of monitoring facility activity and complaints concerning facilities.

Section 15. Paragraph (g) of subsection (2) of section 400.0067, Florida Statutes, is amended to read:

400.0067 Establishment of State Long-Term Care Ombudsman Council; duties; membership.—

(2) The State Long-Term Care Ombudsman Council shall:

(g) Enter into a cooperative agreement with the Florida statewide and local advocacy councils ~~district human rights advocacy committees~~ for the purpose of coordinating advocacy services provided to residents of long-term care facilities.

Section 16. Section 400.0089, Florida Statutes, is amended to read:

400.0089 Agency reports.—The State Long-Term Care Ombudsman Council, shall, in cooperation with the Department of Elderly Affairs, maintain a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and to residents, for the purpose of identifying and resolving significant problems. The council shall submit such data as part of its annual report required pursuant to s. 400.0067(2)(h) to the Agency for Health Care Administration, the Department of Children and Family Services, the Florida Statewide Advocacy Council ~~Statewide Human Rights Advocacy Committee~~, the Advocacy Center for Persons with Disabilities, the Commissioner for the United States Administration on Aging, the National Ombudsman Resource Center, and any other state or federal entities that the ombudsman determines appropriate.

Section 17. Paragraph (a) of subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. Priority for monitoring visits shall be given to nursing facilities with a history of patient care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life in the nursing facility

and shall assess specific conditions in the facility directly related to patient care. The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council ~~human rights advocacy committee~~.

Section 18. Subsection (13) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.— Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(13) Publicly display a poster provided by the agency containing the names, addresses, and telephone numbers for the state's abuse hotline, the State Long-Term Care Ombudsman, the Agency for Health Care Administration consumer hotline, the Advocacy Center for Persons with Disabilities, the Florida Statewide Advocacy Council ~~Statewide Human Rights Advocacy Committee~~, and the Medicaid Fraud Control Unit, with a clear description of the assistance to be expected from each.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 19. Subsection (13) of section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(13) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council ~~Statewide Human Rights Advocacy Committee~~, and the state and district nursing home ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 20. Subsection (2) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. This notice shall include the name, address, and telephone numbers of the district ombudsman council and adult abuse registry and, when applicable, the Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council ~~district human rights advocacy committee~~, where complaints may be lodged. The facility must ensure a resident's access to a telephone to call the district ombudsman council, adult abuse registry, Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council ~~district human rights advocacy committee~~.

Section 21. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Florida advocacy council member ~~Human rights advocacy committee~~ or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 22. Subsection (1) of section 415.104, Florida Statutes, is amended to read:

415.104 Protective services investigations of cases of abuse, neglect, or exploitation of aged persons or disabled adults; transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of an aged person or disabled adult, commence, or cause to be commenced within 24 hours, a protective services investigation of the facts alleged therein. If, upon arrival of the protective investigator at the scene of the incident, a caregiver refuses to allow the department to begin a protective services investigation or interferes with the department's ability to conduct such an investigation, the appropriate law enforcement agency shall be contacted to assist the department in commencing the protective services investigation. If, during the course of the investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate criminal justice agency and state attorney shall be orally notified in order that such agencies may begin a criminal investigation concurrent with the protective services investigation of the department. In an institutional investigation, the alleged perpetrator may be represented by an attorney, at his or her own expense, or accompanied by another person, if the person or the attorney executes an affidavit of understanding with the department and agrees to comply with the confidentiality provisions of s. 415.107. The absence of an attorney or other person does not prevent the department from proceeding with other aspects of the investigation, including interviews with other persons. The department shall make a preliminary written report to the criminal justice agencies within 5 working days after the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate Florida local advocacy council ~~human rights advocacy committee~~, or long-term care ombudsman council, when appropriate, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the Florida local advocacy council ~~human rights advocacy committee~~ or long-term care ombudsman council may be accomplished orally or in writing and shall include the name and location of the aged person or disabled adult alleged to have been abused, neglected, or exploited and the nature of the report. For each report it receives, the department shall perform an onsite investigation to:

(a) Determine that the person is an aged person or disabled adult as defined in s. 415.102.

(b) Determine the composition of the family or household, including the name, address, date of birth, social security number, sex, and race of each aged person or disabled adult named in the report; any others in the household or in the care of the caregiver, or any other persons responsible for the aged person's or disabled adult's welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determination of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation, including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a proposed confirmed report. An alleged perpetrator named in a proposed confirmed report of abuse, neglect,

or exploitation shall cooperate in the provision of the required data for the central abuse registry and tracking system to the fullest extent possible.

(d) Determine the immediate and long-term risk to each aged person or disabled adult through utilization of standardized risk assessment instruments.

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person's or disabled adult's well-being and cause the delivery of those services through the early intervention of the departmental worker responsible for service provision and management of identified services.

Section 23. Paragraphs (a) and (i) of subsection (1) of section 415.1055, Florida Statutes, are amended to read:

415.1055 Notification to administrative entities, subjects, and reporters; notification to law enforcement and state attorneys.—

(1) NOTIFICATION TO ADMINISTRATIVE ENTITIES.—

(a) The department shall, within 24 hours after receipt of a report of abuse, neglect, or exploitation of a disabled adult or an elderly person within a facility, excluding Saturdays, Sundays, and legal holidays, notify the appropriate Florida local advocacy council ~~human rights advocacy committee~~ and the long-term care ombudsman council, in writing, that the department has reasonable cause to believe that a disabled adult or an elderly person has been abused, neglected, or exploited at the facility.

(i) At the conclusion of a protective investigation at a facility, the department shall notify either the Florida local advocacy council ~~human rights advocacy committee~~ or long-term care ombudsman council of the results of the investigation. This notification must be in writing.

Section 24. Subsection (2) of section 415.106, Florida Statutes, is amended to read:

415.106 Cooperation by the department and criminal justice and other agencies.—

(2) To ensure coordination, communication, and cooperation with the investigation of abuse, neglect, or exploitation of disabled adults or elderly persons, the department shall develop and maintain interprogram agreements or operational procedures among appropriate departmental programs and the State Long-Term Care Ombudsman Council, the Florida Statewide Advocacy Council ~~Statewide Human Rights Advocacy Committee~~, and other agencies that provide services to disabled adults or elderly persons. These agreements or procedures must cover such subjects as the appropriate roles and responsibilities of the department in identifying and responding to reports of abuse, neglect, or exploitation of disabled adults or elderly persons; the provision of services; and related coordinated activities.

Section 25. Paragraph (g) of subsection (2) of section 415.107, Florida Statutes, is amended to read:

## 415.107 Confidentiality of reports and records.—

(2) Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:

(g) Any appropriate official of the Florida advocacy council ~~human rights advocacy committee~~ or long-term care ombudsman council investigating a report of known or suspected abuse, neglect, or exploitation of a disabled adult or an elderly person.

Section 26. Subsection (3) of section 430.04, Florida Statutes, is amended to read:

430.04 Duties and responsibilities of the Department of Elderly Affairs.—The Department of Elderly Affairs shall:

(3) Prepare and submit to the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees a master plan for policies and programs in the state related to aging. The plan must identify and assess the needs of the elderly population in the areas of housing, employment, education and training, medical care, long-term care, preventive care, protective services, social services, mental health, transportation, and long-term care insurance, and other areas considered appropriate by the department. The plan must assess the needs of particular subgroups of the population and evaluate the capacity of existing programs, both public and private and in state and local agencies, to respond effectively to identified needs. If the plan recommends the transfer of any program or service from the Department of Children and Family Services to another state department, the plan must also include recommendations that provide for an independent third-party mechanism, as currently exists in the Florida advocacy councils ~~human rights advocacy committees~~ established in ss. 402.165 and 402.166, for protecting the constitutional and human rights of recipients of departmental services. The plan must include policy goals and program strategies designed to respond efficiently to current and projected needs. The plan must also include policy goals and program strategies to promote intergenerational relationships and activities. Public hearings and other appropriate processes shall be utilized by the department to solicit input for the development and updating of the master plan from parties including, but not limited to, the following:

- (a) Elderly citizens and their families and caregivers.
- (b) Local-level public and private service providers, advocacy organizations, and other organizations relating to the elderly.
- (c) Local governments.
- (d) All state agencies that provide services to the elderly.
- (e) University centers on aging.

(f) Area agency on aging and community care for the elderly lead agencies.

Section 27. This act shall take effect July 1, 2000.

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.