

By the Committee on Health Care Services and
Representative Peaden

1 A bill to be entitled
2 An act relating to child deaths; creating ss.
3 383.401-383.409, F.S.; establishing child death
4 review teams within the Department of Health;
5 providing a short title; providing legislative
6 policy and intent; creating the State Child
7 Death Review Team within the Department of
8 Health; providing for appointments to the team
9 by the Secretary of Health; specifying terms;
10 establishing duties for the Child Death Review
11 Team; requiring an annual report; authorizing
12 creation of local child death review teams;
13 specifying membership and duties of the local
14 child death review teams; providing for access
15 to information and records regarding child
16 deaths; providing limitations; authorizing the
17 chairperson of the State Child Death Review
18 Team to require the production of records by
19 subpoena; providing for punishment as provided
20 by law for failure to obey a subpoena;
21 providing the chairperson with access to
22 certain information within a specified time
23 period; providing protection from liability;
24 providing for funding and administration
25 thereof; providing an appropriation; providing
26 an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Sections 383.401, 383.402, 383.403,
2 383.404, 383.405, 383.406, 383.407, and 383.409, Florida
3 Statutes, are created to read:

4 383.401 Florida Child Death Review Act; short
5 title.--Sections 383.401-383.409 may be cited as the "Florida
6 Child Death Review Act."

7 383.402 Legislative policy and intent; child death
8 reviews.--

9 (1) The Legislature declares the following as the
10 policy of this state:

11 (a) When a child dies, the response by the state and
12 the community to the death must include an accurate and
13 complete determination of the cause of death and contributing
14 factors, and the development and implementation of measures to
15 reduce preventable child deaths to the greatest extent
16 possible.

17 (b) Professionals from disparate disciplines, and
18 agencies with responsibilities for children and expertise that
19 can promote child safety and well-being, should share their
20 expertise in order to determine the causes and contributing
21 factors of child deaths and reduce preventable child deaths.

22 (c) Multidisciplinary and multiagency reviews of child
23 deaths can assist the state and communities in achieving such
24 goals.

25 (2) It is the intent of the Legislature to establish a
26 statewide multidisciplinary, multiagency child death
27 assessment and prevention system, consisting of a state team
28 and local teams with the authority to review the facts and
29 circumstances of all deaths of children through 18 years of
30 age that occur in Florida. The purpose of such review shall
31 be to:

1 (a) Achieve a greater understanding of the causes and
2 contributing factors of child deaths;

3 (b) Whenever possible, develop a communitywide
4 approach to address such causes and contributing factors;

5 (c) Identify any gaps or deficiencies in the delivery
6 of services to children and their families by public and
7 private agencies which may be related to such causes; and

8 (d) Make and implement recommendations for changes to
9 laws, rules, and policies, as well as develop practice
10 standards, that will support the safe and healthy development
11 of our children and reduce preventable child deaths.

12 383.403 State team creation; membership;
13 compensation.--

14 (1) There is created the State Child Death Review Team
15 within the Department of Health.

16 (2)(a) The Secretary of Health shall appoint one
17 representative from the Department of Health who shall be a
18 member of the state team and shall serve as the state team
19 coordinator. The head of each of the following agencies or
20 organizations shall appoint a representative to the state
21 team:

- 22 1. Department of Legal Affairs.
- 23 2. Department of Children and Family Services.
- 24 3. Department of Juvenile Justice.
- 25 4. Department of Law Enforcement.
- 26 5. Department of Education.
- 27 6. Florida Prosecuting Attorneys Association.
- 28 7. Florida Medical Examiners Commission, whose
29 representative shall be a forensic pathologist.

30 (b) The Secretary of Health shall appoint the
31 following members to the state team, based upon the

1 recommendations of the agencies specified in paragraph (a).
2 In making such appointments, the secretary shall consider
3 geographic diversity and ethnic sensitivity:
4 1. A board-certified pediatrician.
5 2. A public health nurse.
6 3. A forensic mental health professional.
7 4. A family services counselor supervisor from the
8 Department of Children and Family Services who has at least 5
9 years' experience in child protective investigations.
10 5. A state epidemiologist from the Department of
11 Health.
12 6. The medical director of a child protection team.
13 7. A member of a child advocacy organization.
14 8. A social worker experienced in maternal and child
15 health.
16 9. A trained parent-resource paraprofessional employed
17 in a prevention program.
18 10. A law enforcement officer with at least 5 years'
19 experience in children's issues.
20 11. A representative of the Division of Medical
21 Quality Assurance of the Department of Health.
22 12. A representative of the Florida Coalition Against
23 Domestic Violence.
24 13. A representative from a program dealing with child
25 abuse and neglect.
26 (3) The state team shall elect a chairperson from its
27 membership who shall serve for a 2-year term. The other
28 members of the state team shall serve for a period of up to 2
29 years, which terms may be staggered in the initial appointment
30 of the team, as determined by the secretary. Members shall be
31 eligible for reappointment by the secretary. The chairperson

1 may appoint ad hoc committees as necessary to carry out the
2 duties of the team.

3 (4) Members shall serve without remuneration, but may
4 be reimbursed for per diem and travel expenses as provided in
5 s. 112.061, to the extent funds are available.

6 383.404 State team duties.--The State Child Death
7 Review Team shall have the following duties:

8 (1) Develop a child deaths data collection system,
9 including a protocol for uniform, statewide collection of
10 data, utilizing existing data collection systems to the extent
11 available.

12 (2) Provide training to cooperating agencies,
13 individuals, and local child death review teams on the use of
14 the child deaths data collection system.

15 (3) Prepare an annual statistical report on the
16 incidence and causes of child deaths in the state during the
17 past calendar year and submit a copy of this report, by
18 September 30, to the Governor, the President of the Senate,
19 and the Speaker of the House of Representatives. The first
20 report shall be submitted on or before September 30, 2000.
21 The report shall include recommendations for state and local
22 action, including specific policy, procedural, regulatory, or
23 statutory changes or other preventive actions called for as a
24 result of the findings produced in the report.

25 (4) Encourage and assist in the development of local
26 child death review teams.

27 (5) Develop guidelines, standards, and protocols,
28 including a protocol for data collection, for local child
29 death review teams, and provide training and technical
30 assistance to those teams.

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1 (6) Develop guidelines for child death reviews,
2 including guidelines for law enforcement agencies,
3 prosecutors, medical examiners, health care practitioners,
4 health care facilities, and social services agencies.

5 (7) Study the adequacy of statutes, ordinances, rules,
6 training, and services to determine what changes are needed to
7 decrease the incidence of preventable child deaths and develop
8 strategies and recruit partners to implement these changes.

9 (8) Provide case consultation on individual cases to
10 local teams, if requested.

11 (9) Educate the public regarding ss. 383.401-383.409,
12 the incidence and causes of child deaths, and the public's
13 role in preventing these deaths.

14 (10) Promote continuing education for professionals
15 involved in investigating, treating, and preventing child
16 abuse and neglect as a means of preventing child deaths due to
17 such abuse or neglect.

18 (11) Recommend, when appropriate, review of the death
19 certificate of a deceased child.

20 383.405 Local child death review teams; creation;
21 membership; duties.--

22 (1) At the direction of the Secretary of Health, the
23 director of each county health department, or two or more
24 directors of county health departments by agreement, shall be
25 authorized to convene or support county or multicounty child
26 death review teams in accordance with protocols established by
27 the State Child Death Review Team. Each local team shall
28 include a local state attorney or designee and such other
29 members as determined by guidelines developed by the State
30 Child Death Review Team. The local team members shall serve
31 for 2 years and may be reappointed. Each local team may elect

1 a chairperson from its membership. Members shall serve
2 without remuneration, but may be reimbursed for per diem and
3 travel expenses pursuant to s. 112.061, to the extent funds
4 are available.

5 (2) Duties of local child death review teams are as
6 follows:

7 (a) Review all child deaths pursuant to information
8 received by the Office of Vital Statistics of the Department
9 of Health.

10 (b) Assist the state team in collecting data on child
11 deaths, in accordance with the protocols established by the
12 state team.

13 (c) Submit written reports to the state team as
14 directed by the state team. These reports shall include
15 nonidentifying information on individual cases and steps taken
16 by the local team to implement necessary changes and improve
17 the coordination of services and reviews.

18 (d) Submit all records requested by the state team at
19 the conclusion of the local child death review.

20 (e) Abide by the standards and protocols developed by
21 the state team.

22 (f) On a case-by-case basis, request the state team
23 review the data of a particular case.

24 383.406 Access to information.--

25 (1) As necessary to carry out the team's duties, the
26 chairperson of the State Child Death Review Team or the
27 chairperson of a local team shall, subject to the limitations
28 of this section, be provided, within 5 working days after a
29 request, access to any information and records regarding a
30 child whose death is being reviewed by the team, or
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1 information and records regarding the child's family,
2 notwithstanding any law to the contrary:
3 (a) From a public or private provider of medical,
4 dental, or mental health care, including, but not limited to,
5 licensed facilities under chapter 393, chapter 394, or chapter
6 395, and health care practitioners as defined in s.
7 455.501(4).
8 (b) From any agency of the state or of a political
9 subdivision of the state that might assist a team to review a
10 child death, including, but not limited to, the Department of
11 Children and Family Services, the Department of Health, the
12 Department of Law Enforcement, the Department of Education,
13 and the Department of Juvenile Justice.
14 (2) The State Child Death Review Team or a local team
15 shall have access to all nonactive law enforcement
16 investigative information regarding the death of a child, but
17 shall not disclose any information received which is not
18 subject to public disclosure by the law enforcement agency
19 that provided the information. However, active "criminal
20 intelligence information" or "criminal investigative
21 information" as defined in s. 119.011(3)(a)-(d) may not be
22 available for review or access under this section.
23 (3) The state team and local teams may share with each
24 other relevant information regarding case reviews involving
25 child deaths.
26 (4) A member of the state or a local child death
27 review team shall not contact, interview, or obtain
28 information by request or subpoena directly from a member of
29 the deceased child's family as a part of the child death
30 review, except that a member of the state or a local child
31 death review team who is otherwise a public officer or

1 employee may contact, interview, or obtain information from a
2 family member, if necessary, as part of the public officer's
3 or employee's other official duties or subsequent to the
4 conclusion of the state or local team's review. Nothing in
5 this subsection prohibits a member of the deceased child's
6 family from voluntarily providing records or information.

7 (5) The chairperson of the State Child Death Review
8 Team shall have the authority to require the production of
9 records by requesting a subpoena, through the Department of
10 Legal Affairs, in any county of the state, which subpoena
11 shall be effective throughout the state. Service shall be
12 made by any sheriff of the state. Failure to obey such
13 subpoena shall be punishable in accordance with applicable
14 law.

15 (6) This section does not authorize access to any
16 grand jury proceedings.

17 383.407 Protection from liability.--

18 (1) Members of the state and local teams and their
19 authorized agents or employees shall not be subject to, and
20 shall be immune from, claims, suits, liability, damages, or
21 any other recourse, civil or criminal, arising from any act,
22 proceeding, decision, or determination undertaken or
23 performed, or recommendation made, provided such persons acted
24 in good faith and without malice in carrying out their
25 responsibilities, authority, duties, powers, and privileges of
26 the offices conferred by this law upon them or by any other
27 provisions of state law, federal law, or regulations or duly
28 adopted rules and procedures. Complainants shall bear the
29 burden of proving, by clear and convincing evidence, malice or
30 lack of good faith to defeat the immunity provided herein.

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1 (2) A person in attendance at a meeting of the state
2 or a local team shall not be required to testify in a criminal
3 or civil proceeding as to what transpired at such meeting. An
4 organization, institution, team member, or person furnishing
5 information, data, reports, or records to the state or a local
6 child death review team with respect to any subject examined
7 or treated by such organization, institution, or person, by
8 reason of furnishing such information, shall not be liable in
9 damages to any person or subject to any other recourse, civil
10 or criminal.

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12 The provisions of this section do not apply to admissions of
13 any crime.

14 383.409 Funding.--The Department of Health shall
15 administer the funds appropriated to implement ss.
16 383.401-383.409 and may apply for grants and accept donations
17 to fund the provisions of said sections.

18 Section 2. There is hereby appropriated to the
19 Department of Health from the General Revenue Fund the sum of
20 \$ and full-time-equivalent positions to implement the
21 provisions of ss. 383.401-383.409, Florida Statutes. The
22 department may use a portion of these funds to hire
23 consultants to assist the State Child Death Review Team in
24 completing its duties. Funding may also be used to reimburse
25 reasonable expenses of the state team members, staff, and
26 consultants, and for staff and support of local child death
27 review teams.

28 Section 3. This act shall take effect July 1, 1999.
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HOUSE SUMMARY

Creates the Florida Child Death Review Act. Provides legislative policy and intent. Establishes the Child Death Review Team, within the Department of Health, to review the facts and circumstances surrounding all deaths of children in the state. Provides for appointment of members by the Secretary of Health. Specifies members' terms and duties. Requires an annual report to the Governor and Legislature. Authorizes creation of local child death review teams under the county health departments. Provides for local team membership, terms, and duties. Provides for team access to information and records regarding a child's death. Provides restrictions regarding contact with the deceased child's family. Provides the chairperson of the state team with certain subpoena authority. Provides protection from liability for members of the state and local teams and their authorized agents and employees. Provides for administration of funds by the department. Provides an appropriation.