$\mathbf{B}\mathbf{y}$ the Committees on Fiscal Policy; and Children, Families, and Elder Affairs

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1	A bill to be entitled
2	An act relating to child welfare; amending s. 39.2015,
3	F.S.; authorizing critical incident rapid response
4	teams to review cases of child deaths occurring during
5	an open investigation; requiring the advisory
6	committee to meet quarterly and submit quarterly
7	reports; amending s. 39.3068, F.S.; requiring case
8	staffing when medical neglect is substantiated;
9	amending s. 383.402, F.S.; requiring an
10	epidemiological child abuse death assessment and
11	prevention system; providing intent for the operation
12	of and interaction between the state and local death
13	review committees; limiting members of the state
14	committee to terms of 2 years, not to exceed three
15	consecutive terms; requiring the committee to elect a
16	chairperson and authorizing specified duties of the
17	chairperson; providing for per diem and reimbursement
18	of expenses; specifying duties of the state committee;
19	deleting obsolete provisions; providing for the
20	convening of county or multicounty local review
21	committees and support by the county health department
22	directors; specifying membership and duties of local
23	review committees; requiring the state review
24	committee to submit an annual statistical report to
25	the Governor and the Legislature; identifying the
26	required content for the report; specifying that
27	certain responsibilities of the Department of Children
28	and Families are to be administered at the regional
29	level, rather than at the district level; amending s.

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30	409.977, F.S.; authorizing Medicaid managed care
31	specialty plans to serve specified children; amending
32	s. 409.986, F.S.; revising legislative intent to
33	require community-based care lead agencies to give
34	priority to the use of evidence-based and trauma-
35	informed services; amending s. 409.988; requiring lead
36	agencies to give priority to the use of evidence-based
37	and trauma-informed services; amending s. 435.02,
38	F.S.; redefining a term; providing an effective date.
39	
40	Be It Enacted by the Legislature of the State of Florida:
41	
42	Section 1. Subsections (2) and (11) of section 39.2015,
43	Florida Statutes, are amended to read:
44	39.2015 Critical incident rapid response team
45	(2) An immediate onsite investigation conducted by a
46	critical incident rapid response team is required for all child
47	deaths reported to the department if the child or another child
48	in his or her family was the subject of a verified report of
49	suspected abuse or neglect during the previous 12 months. The
50	secretary may direct an immediate investigation for other cases
51	involving <u>death or</u> serious injury to a child <u>, including, but not</u>
52	limited to, a death or serious injury occurring during an open
53	investigation.
54	(11) The secretary shall appoint an advisory committee made
55	up of experts in child protection and child welfare, including
56	the Statewide Medical Director for Child Protection under the
57	Department of Health, a representative from the institute
58	established pursuant to s. 1004.615, an expert in organizational

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594-04419-15 20157078c1 59 management, and an attorney with experience in child welfare, to 60 conduct an independent review of investigative reports from the 61 critical incident rapid response teams and to make recommendations to improve policies and practices related to 62 63 child protection and child welfare services. The advisory 64 committee shall meet at least once each quarter and By October 1 65 of each year, the advisory committee shall submit quarterly 66 reports a report to the secretary which include includes findings and recommendations. The secretary shall submit each 67 68 the report to the Governor, the President of the Senate, and the 69 Speaker of the House of Representatives.

Section 2. Subsection (3) of section 39.3068, Florida
Statutes, is amended to read:

72

39.3068 Reports of medical neglect.-

73 (3) The child shall be evaluated by the child protection 74 team as soon as practicable. If After receipt of the report from 75 the child protection team reports that medical neglect is 76 substantiated, the department shall convene a case staffing 77 which shall be attended, at a minimum, by the child protective 78 investigator; department legal staff; and representatives from 79 the child protection team that evaluated the child, Children's 80 Medical Services, the Agency for Health Care Administration, the 81 community-based care lead agency, and any providers of services 82 to the child. However, the Agency for Health Care Administration is not required to attend the staffing if the child is not 83 Medicaid eligible. The staffing shall consider, at a minimum, 84 85 available services, given the family's eligibility for services; 86 services that are effective in addressing conditions leading to 87 medical neglect allegations; and services that would enable the

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CS for SB 7078

594-04419-15 20157078c1 88 child to safely remain at home. Any services that are available 89 and effective shall be provided. Section 3. Section 383.402, Florida Statutes, is amended to 90 91 read: 92 383.402 Child abuse death review; State Child Abuse Death Review Committee; local child abuse death review committees.-93 94 (1) INTENT.-It is the intent of the Legislature to 95 establish a statewide multidisciplinary, multiagency, epidemiological child abuse death assessment and prevention 96 97 system that consists of state and local review committees. The 98 state and local review committees shall review the facts and 99 circumstances of all deaths of children from birth to through 100 age 18 which occur in this state and are reported to the central 101 abuse hotline of the Department of Children and Families. The 102 state and local review committees shall work cooperatively. The 103 primary function of the state review committee is to provide 104 direction and leadership for the review system and to analyze 105 data and recommendations from local review committees to 106 identify issues and trends and to recommend statewide action. 107 The primary function of the local review committees is to 108 conduct individual case reviews of deaths, generate information, 109 make recommendations, and implement improvements at the local 110 level. Each case The purpose of the review must use a data-111 based, epidemiological approach shall be to: (a) Achieve a greater understanding of the causes and 112 contributing factors of deaths resulting from child abuse. 113

(b) Whenever possible, develop a communitywide approach to
 address such <u>causes</u> cases and contributing factors.

(c) Identify any gaps, deficiencies, or problems in the

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117	delivery of services to children and their families by public
118	and private agencies which may be related to deaths that are the
119	result of child abuse.
120	(d) <u>Recommend</u> Make and implement recommendations for
121	changes in law, rules, and policies at the state and local
122	levels, as well as develop practice standards that support the
123	safe and healthy development of children and reduce preventable
124	child abuse deaths.
125	(e) Implement approved recommendations, to the extent
126	possible.
127	(2) <u>STATE CHILD ABUSE DEATH REVIEW COMMITTEE.</u>
128	(a) <u>Membership</u>
129	1. The State Child Abuse Death Review Committee is
130	established within the Department of Health and shall consist of
131	a representative of the Department of Health, appointed by the
132	State Surgeon General, who shall serve as the state committee
133	coordinator. The head of each of the following agencies or
134	organizations shall also appoint a representative to the state
135	committee:
136	<u>a.l. The Department of Legal Affairs.</u>
137	<u>b.</u> 2. The Department of Children and Families.
138	<u>c.</u> 3. The Department of Law Enforcement.
139	d.4. The Department of Education.
140	e. 5. The Florida Prosecuting Attorneys Association, Inc.
141	<u>f.6.</u> The Florida Medical Examiners Commission, whose
142	representative must be a forensic pathologist.
143	2.(b) In addition, the State Surgeon General shall appoint
144	the following members to the state committee, based on
145	recommendations from the Department of Health and the agencies

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146	listed in <u>subparagraph 1.</u> paragraph (a) , and ensuring that the
147	committee represents the regional, gender, and ethnic diversity
148	of the state to the greatest extent possible:
149	a. 1. The <u>Department of Health</u> Statewide <u>Child Protection</u>
150	Team Medical Director for Child Protection.
151	<u>b.</u> 2. A public health nurse.
152	c.3. A mental health professional who treats children or
153	adolescents.
154	d.4. An employee of the Department of Children and Families
155	who supervises family services counselors and who has at least 5
156	years of experience in child protective investigations.
157	e.5. The medical director of a child protection team.
158	<u>f.</u> 6. A member of a child advocacy organization.
159	g. 7. A social worker who has experience in working with
160	victims and perpetrators of child abuse.
161	h.8. A person trained as a paraprofessional in patient
162	resources who is employed in a child abuse prevention program.
163	$\underline{i.9.}$ A law enforcement officer who has at least 5 years of
164	experience in children's issues.
165	j. <mark>10.</mark> A representative of the Florida Coalition Against
166	Domestic Violence.
167	k.11. A representative from a private provider of programs
168	on preventing child abuse and neglect.
169	1. A substance abuse treatment professional.
170	3. The members of the state committee shall be appointed to
171	staggered terms not to exceed 2 years each, as determined by the
172	State Surgeon General. Members may be appointed to no more than
173	three consecutive terms. The state committee shall elect a
174	chairperson from among its members to serve for a 2-year term,

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175	and the chairperson may appoint ad hoc committees as necessary
176	to carry out the duties of the committee.
177	4. Members of the state committee shall serve without
178	compensation but may receive reimbursement for per diem and
179	travel expenses incurred in the performance of their duties as
180	provided in s. 112.061 and to the extent that funds are
181	available.
182	(b) (3) <u>Duties.</u> The State Child Abuse Death Review Committee
183	shall:
184	<u>1.(a)</u> Develop a system for collecting data <u>from local</u>
185	committees on deaths that are reported to the central abuse
186	hotline the result of child abuse. The system must include a
187	protocol for the uniform collection of data statewide, which
188	must, at a minimum, use the National Child Death Review Case
189	Reporting System administered by the National Center for the
190	Review and Prevention of Child Deaths uses existing data-
191	collection systems to the greatest extent possible.
192	<u>2.(b)</u> Provide training to cooperating agencies,
193	individuals, and local child abuse death review committees on
194	the use of the child abuse death data system.
195	(c) Prepare an annual statistical report on the incidence
196	and causes of death resulting from reported child abuse in the
197	state during the prior calendar year. The state committee shall
198	submit a copy of the report by October 1 of each year to the
199	Governor, the President of the Senate, and the Speaker of the
200	House of Representatives. The report must include
201	recommendations for state and local action, including specific
202	policy, procedural, regulatory, or statutory changes, and any
203	other recommended preventive action.
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594-04419-15 20157078c1 204 3.(d) Provide training to local child abuse death review 205 committee members on the dynamics and impact of domestic 206 violence, substance abuse, or mental health disorders when there 207 is a co-occurrence of child abuse. Training must shall be 208 provided by the Florida Coalition Against Domestic Violence, the 209 Florida Alcohol and Drug Abuse Association, and the Florida 210 Council for Community Mental Health in each entity's respective 211 area of expertise. 4.(e) Develop statewide uniform guidelines, standards, and 212 213 protocols, including a protocol for standardized data 214 collection, and reporting, for local child abuse death review 215 committees, and provide training and technical assistance to local committees. 216 217 5.(f) Develop statewide uniform guidelines for reviewing 218 deaths that are the result of child abuse, including guidelines 219 to be used by law enforcement agencies, prosecutors, medical 220 examiners, health care practitioners, health care facilities, 221 and social service agencies. 222 6.(q) Study the adequacy of laws, rules, training, and 223 services to determine what changes are needed to decrease the 224 incidence of child abuse deaths and develop strategies and 225 recruit partners to implement these changes. 226 7.(h) Provide consultation on individual cases to local 227 committees upon request. 228 8.(i) Educate the public regarding the provisions of

chapter 99-168, Laws of Florida, the incidence and causes of child abuse death, and ways by which such deaths may be prevented.

232

<u>9.(j)</u> Promote continuing education for professionals who

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233	investigate, treat, and prevent child abuse or neglect.
234	10(k) Recommend, when appropriate, the review of the death
235	certificate of a child who died as a result of abuse or neglect.
236	(4) The members of the state committee shall be appointed
237	to staggered terms of office which may not exceed 2 years, as
238	determined by the State Surgeon General. Members are eligible
239	for <u>2</u> reappointments. The state committee shall elect a
240	chairperson from among its members to serve for a 2-year term,
241	and the chairperson may appoint ad hoc committees as necessary
242	to carry out the duties of the committee.
243	(5) Members of the state committee shall serve without
244	compensation but are entitled to reimbursement for per diem and
245	travel expenses incurred in the performance of their duties as
246	provided in s. 112.061 and to the extent that funds are
247	available.
248	(3) (6) LOCAL CHILD ABUSE DEATH REVIEW COMMITTEES.—At the
249	direction of the State Surgeon General, <u>a county or multicounty</u>
250	child abuse death review committee shall be convened and
251	supported by the county health department directors the director
252	of each county health department, or the directors of two or
253	more county health departments by agreement, may convene and
254	support a county or multicounty child abuse death review
255	committee in accordance with the protocols established by the
256	State Child Abuse Death Review Committee.
257	(a) MembershipEach local child abuse death review
258	committee must include local representatives from:
259	1. The state attorney's office. a local state attorney, or
260	his or her designee, and
261	2. The medical examiner's office.

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262	3. The local Department of Children and Families child
263	protective investigations unit.
264	4. The Department of Health child protection team.
265	5. The community-based care lead agency.
266	6. State, county, or local law enforcement agencies.
267	7. The school district.
268	8. A mental health treatment provider.
269	9. A certified domestic violence center.
270	10. A substance abuse treatment provider.
271	<u>11.</u> Any other members that are determined by guidelines
272	developed by the State Child Abuse Death Review Committee.
273	
274	To the extent possible, individuals from these organizations or
275	entities who, in a professional capacity, dealt with a child
276	whose death is verified as caused by abuse or neglect, or with
277	the family of the child, shall attend any meetings where the
278	child's case is reviewed. The members of a local committee shall
279	be appointed to 2-year terms and may be reappointed. The local
280	committee shall elect a chairperson from among its members.
281	Members shall serve without compensation but <u>may receive</u> are
282	entitled to reimbursement for per diem and travel expenses
283	incurred in the performance of their duties as provided in s.
284	112.061 and to the extent that funds are available.
285	(b)(7) <u>Duties</u> Each local child abuse death review
286	committee shall:
287	1(a) Assist the state committee in collecting data on
288	deaths that are the result of child abuse, in accordance with
289	the protocol established by the state committee. <u>The local</u>
290	committee shall complete, to the fullest extent possible, the

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594-04419-15 20157078c1 291 individual case report in the National Child Death Review Case 292 Reporting System. 293 2.(b) Submit written reports as required by at the 294 direction of the state committee. The reports must include: 295 a. Nonidentifying information from on individual cases. 296 b. Identification of any problems with the data system 297 uncovered through the review process and the committee's 298 recommendations for system improvements and needed resources, 299 training, and information dissemination, where gaps or 300 deficiencies may exist. and 301 c. All the steps taken by the local committee and private 302 and public agencies to implement necessary changes and improve the coordination of services and reviews. 303 304 3.(c) Submit all records requested by the state committee 305 at the conclusion of its review of a death resulting from child 306 abuse. 307 4.(d) Abide by the standards and protocols developed by the 308 state committee. 309 5.(e) On a case-by-case basis, request that the state 310 committee review the data of a particular case. 311 (4) ANNUAL STATISTICAL REPORT.-The state committee shall 312 prepare and submit a comprehensive statistical report by October 1 of each year to the Governor, the President of the Senate, and 313 314 the Speaker of the House of Representatives which includes data, 315 trends, analysis, findings, and recommendations for state and 316 local action regarding deaths from child abuse. Data must be 317 presented on an individual calendar year basis and in the context of a multiyear trend. At a minimum, the report must 318 319 include:

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320	(a) Descriptive statistics, including demographic
321	information regarding victims and caregivers, and the causes and
322	nature of deaths.
323	(b) A detailed statistical analysis of the incidence and
324	causes of deaths.
325	(c) Specific issues identified within current policy,
326	procedure, rule, or statute and recommendations to address those
327	issues from both the state and local committees.
328	(d) Other recommendations to prevent deaths from child
329	abuse based on an analysis of the data presented in the report.
330	(5) (8) ACCESS TO AND USE OF RECORDS
331	(a) Notwithstanding any other law, the chairperson of the
332	State Child Abuse Death Review Committee, or the chairperson of
333	a local committee, shall be provided with access to any
334	information or records that pertain to a child whose death is
335	being reviewed by the committee and that are necessary for the
336	committee to carry out its duties, including information or
337	records that pertain to the child's family, as follows:
338	1. (a) Patient records in the possession of a public or
339	private provider of medical, dental, or mental health care,
340	including, but not limited to, a facility licensed under chapter
341	393, chapter 394, or chapter 395, or a health care practitioner
342	as defined in s. 456.001. Providers may charge a fee for copies
343	not to exceed 50 cents per page for paper records and \$1 per
344	fiche for microfiche records.
345	2.(b) Information or records of any state agency or
346	political subdivision which might assist a committee in

346 political subdivision which might assist a committee in 347 reviewing a child's death, including, but not limited to, 348 information or records of the Department of Children and

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594-04419-1520157078c1349Families, the Department of Health, the Department of Education,350or the Department of Juvenile Justice.

(b) (9) The State Child Abuse Death Review Committee or a 351 352 local committee shall have access to all information of a law 353 enforcement agency which is not the subject of an active 354 investigation and which pertains to the review of the death of a 355 child. A committee may not disclose any information that is not 356 subject to public disclosure by the law enforcement agency, and 357 active criminal intelligence information or criminal 358 investigative information, as defined in s. 119.011(3), may not 359 be made available for review or access under this section.

360 <u>(c) (10)</u> The state committee and any local committee may 361 share <u>with each other</u> any relevant information that pertains to 362 the review of the death of a child.

363 (d) (11) A member of the state committee or a local 364 committee may not contact, interview, or obtain information by 365 request or subpoena directly from a member of a deceased child's 366 family as part of a committee's review of a child abuse death, 367 except that if a committee member is also a public officer or 368 state employee, that member may contact, interview, or obtain 369 information from a member of the deceased child's family, if 370 necessary, as part of the committee's review. A member of the 371 deceased child's family may voluntarily provide records or 372 information to the state committee or a local committee.

373 <u>(e) (12)</u> The chairperson of the State Child Abuse Death 374 Review Committee may require the production of records by 375 requesting a subpoena, through the Department of Legal Affairs, 376 in any county of the state. Such subpoena is effective 377 throughout the state and may be served by any sheriff. Failure

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594-04419-15 20157078c1 378 to obey the subpoena is punishable as provided by law. 379 (f) (13) This section does not authorize the members of the 380 state committee or any local committee to have access to any 381 grand jury proceedings. 382 (g) (14) A person who has attended a meeting of the state 383 committee or a local committee or who has otherwise participated 384 in activities authorized by this section may not be permitted or 385 required to testify in any civil, criminal, or administrative 386 proceeding as to any records or information produced or 387 presented to a committee during meetings or other activities 388 authorized by this section. However, this subsection does not 389 prevent any person who testifies before the committee or who is 390 a member of the committee from testifying as to matters 391 otherwise within his or her knowledge. An organization, 392 institution, committee member, or other person who furnishes 393 information, data, reports, or records to the state committee or 394 a local committee is not liable for damages to any person and is 395 not subject to any other civil, criminal, or administrative 396 recourse. This subsection does not apply to any person who 397 admits to committing a crime.

398

(6) (15) DEPARTMENT OF HEALTH RESPONSIBILITIES.-

399 (a) The Department of Health shall administer the funds
 400 appropriated to operate the review committees and may apply for
 401 grants and accept donations.

402 (b) (16) To the extent that funds are available, the 403 Department of Health may hire staff or consultants to assist a 404 review committee in performing its duties. Funds may also be 405 used to reimburse reasonable expenses of the staff and 406 consultants for the state committee and the local committees.

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407	(c) (17) For the purpose of carrying out the
408	responsibilities assigned to the State Child Abuse Death Review
409	Committee and the local review committees, the State Surgeon
410	General may substitute an existing entity whose function and
411	organization includes include the function and organization of
412	the committees established by this section.
413	(7) (18) DEPARTMENT OF CHILDREN AND FAMILIES
414	<u>RESPONSIBILITIES.</u> Each <u>regional managing director</u> district
415	administrator of the Department of Children and Families must
416	appoint a child abuse death review coordinator for the <u>region</u>
417	district. The coordinator must have knowledge and expertise in
418	the area of child abuse and neglect. The coordinator's general
419	responsibilities include:
420	(a) Coordinating with the local child abuse death review
421	committee.
422	(b) Ensuring the appropriate implementation of the child
423	abuse death review process and all <u>regional</u> district activities
424	related to the review of child abuse deaths.
425	(c) Working with the committee to ensure that the reviews
426	are thorough and that all issues are appropriately addressed.
427	(d) Maintaining a system of logging child abuse deaths
428	covered by this procedure and tracking cases during the child
429	abuse death review process.
430	(e) Conducting or arranging for a Florida <u>Safe Families</u>
431	<u>Network</u> Abuse Hotline Information System (FAHIS) record check on
432	all child abuse deaths covered by this procedure to determine
433	whether there were any prior reports concerning the child or
434	concerning any siblings, other children, or adults in the home.
435	(f) Coordinating child abuse death review activities, as
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436	needed, with individuals in the community and the Department of
437	Health.
438	(g) Notifying the <u>regional managing director</u> district
439	administrator, the Secretary of Children and Families, the
440	Department of Health Deputy Secretary for Health and Deputy
441	State Health Officer for Children's Medical Services, and the
442	Department of Health Child Abuse Death Review Coordinator of all
443	child abuse deaths meeting criteria for review as specified in
444	this section within 1 working day after <u>case closure</u> verifying
445	the child's death was due to abuse, neglect, or abandonment.
446	(h) Ensuring that all critical issues identified by the
447	local child abuse death review committee are brought to the
448	attention of the <u>regional managing director</u> district
449	administrator and the Secretary of Children and Families.
450	(i) Providing technical assistance to the local child abuse
451	death review committee during the review of any child abuse
452	death.
453	Section 4. Subsection (5) is added to section 409.977,
454	Florida Statutes, to read:
455	409.977 Enrollment
456	(5) Specialty plans serving children in the care and
457	custody of the department may serve such children as long as
458	they remain in care, including those remaining in extended
459	foster care pursuant to s. 39.6251, or are in subsidized
460	adoption and continue to be eligible for Medicaid pursuant to s.
461	409.903.
462	Section 5. Paragraph (a) of subsection (1) of section
463	409.986, Florida Statutes, is amended to read:
464	409.986 Legislative findings and intent; child protection

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465	and child welfare outcomes; definitions
466	(1) LEGISLATIVE FINDINGS AND INTENT
467	(a) It is the intent of the Legislature that the Department
468	of Children and Families provide child protection and child
469	welfare services to children through contracting with community-
470	based care lead agencies. The community-based lead agencies
471	shall give priority to the use of services that are evidence-
472	based and trauma-informed. Counties that provide children and
473	family services with at least 40 licensed residential group care
474	beds by July 1, 2003, and that provide at least \$2 million
475	annually in county general revenue funds to supplement foster
476	and family care services shall continue to contract directly
477	with the state. It is the further intent of the Legislature that
478	communities have responsibility for and participate in ensuring
479	safety, permanence, and well-being for all children in the
480	state.
481	Section 6. Subsection (3) of section 409.988, Florida
482	Statutes, is amended to read:
483	409.988 Lead agency duties; general provisions
484	(3) SERVICES.—A lead agency must <u>provide</u> serve dependent
485	children <u>with</u> through services that are supported by research or
486	<u>that</u> are <u>recognized as best practices in the</u> best child welfare
487	field practices. The agency shall give priority to the use of
488	services that are evidence-based and trauma-informed and may
489	also provide <u>other</u> innovative services, including, but not
490	limited to, family-centered and $_{ au}$ cognitive-behavioral, trauma-
491	informed interventions designed to mitigate out-of-home
492	placements.
493	Section 7. Subsection (5) of section 435.02, Florida
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494	Statutes, is amended to read:
495	435.02 DefinitionsFor the purposes of this chapter, the
496	term:
497	(5) "Specified agency" means the Department of Health, the
498	Department of Children and Families, the Division of Vocational
499	Rehabilitation within the Department of Education, the Agency
500	for Health Care Administration, the Department of Elderly
501	Affairs, the Department of Juvenile Justice, and the Agency for
502	Persons with Disabilities, and local licensing agencies approved
503	pursuant to s. 402.307, when these agencies are conducting state
504	and national criminal history background screening on persons
505	who work with children or persons who are elderly or disabled.
506	Section 8. This act shall take effect July 1, 2015.

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