

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1177 w/CS Safety of Children

**SPONSOR(S):** Sobel

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1318

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Children's Services (Sub)	5 Y, 0 N	Walsh	Liem
2) Future of Florida's Families	14 Y, 0 N w/CS	Walsh	Liem
3) Human Services Appropriations (Sub)	7 Y, 0 N	Money	Ekholm
4) Appropriations			
5)			

---

### SUMMARY ANALYSIS

CS for HB 1177 creates the "Rilya Wilson Act," requiring that children, between the ages of three and school age who are clients of the Department of Children and Families (DCF) Family Safety Program Office, who are enrolled in a licensed early education or child care program, attend five days per week.

The CS requires DCF to notify the operators of the programs that a child subject to the reporting requirements is enrolled, notwithstanding the confidentiality requirements of s. 39.202, F.S. The act requires reporting of absences by parents, guardians or foster parents.

The CS requires that the licensed early education or child care program must report any unexcused absence or seven consecutive excused absences to DCF or the lead agency.

The CS requires DCF, in collaboration with the Agency for Workforce Innovation (AWI), to conduct a study of children served pursuant to Chapter 39, Florida Statutes, to examine the role participation in licensed early education or child care programs has in ensuring the safety of these children.

The CS is anticipated to have a minimal fiscal impact associated only with the costs of the required study.

The act becomes effective upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1177d.ap.doc

**DATE:** April 14, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Rilya Wilson is a five year old girl who has been missing from state custody since January 2001. According to the Miami Herald<sup>1</sup>, the child's caregiver maintains that someone from the Department of Children and Families (DCF) removed Rilya from her home sometime in January 2001. DCF was unaware that the child was missing until April 2002 because of casework failures. Rilya remains missing.

There is no federal or state law mandating enrollment and attendance in child care or preschool services for children between three and school-entry age receiving child protective services.

Currently, child care services are provided through the Partnership for School Readiness based on referrals from the Department of Children and Families (DCF) for children under the age of 13 who are determined to be at risk of abuse, neglect, abandonment or exploitation, and who are currently receiving child protective services through DCF's Family Safety Program Office or community-based care lead agencies. The program goal is to help ensure that these children are protected and not re-abused or re-neglected, or further abandoned or exploited.

##### Effect of Changes

The CS requires that a child between 3 years and school entry age under court ordered protective supervision or in the custody of DCF or a community based lead agency ("lead agency"), who is enrolled in a licensed early education or child care program, must participate 5 days per week. The case plan relating to that child must contain participation in the program as a required action.

The CS requires that a child so enrolled may not be withdrawn from the program without approval of DCF or the lead agency. If a child is absent from the program, the parent or caregiver must report that absence by the end of the school day; failure to do so results in an unexcused absence. The CS requires DCF to notify the operators of the programs that a child subject to the reporting requirements is enrolled, notwithstanding the confidentiality requirements of s. 39.202, F.S. The act requires reporting of absences by parents, guardians or foster parents. The licensed early education or child

---

<sup>1</sup> See, e.g., [http://www.miami.com/mld/miamiherald/news/special\\_packages/archive/3199589.htm](http://www.miami.com/mld/miamiherald/news/special_packages/archive/3199589.htm)  
[http://www.miami.com/mld/miamiherald/news/special\\_packages/archive/3225988.htm](http://www.miami.com/mld/miamiherald/news/special_packages/archive/3225988.htm)  
[http://www.miami.com/mld/miamiherald/news/special\\_packages/archive/4844164.htm](http://www.miami.com/mld/miamiherald/news/special_packages/archive/4844164.htm)

care program must report any unexcused absence or seven consecutive excused absences to DCF or the lead agency.

The CS requires that upon a report regarding absences, DCF or the lead agency shall conduct a site visit at the residence of the child. If the site visit results in a determination that the child is missing, DCF or the lead agency shall report the child as missing to law enforcement. If the site visit results in a determination that the child is not missing, DCF or the lead agency shall advise the parents or caregivers that program attendance failure is a violation of the case plan. The court shall be notified upon two or more site visits of the parents' or caregivers' non-compliance with the case plan.

The CS directs DCF, in collaboration with the Agency for Workforce Innovation (AWI), to conduct a study of children, birth to school-entry age, being served by DCF and lead agencies pursuant to Chapter 39, F.S., in order to examine the role participation in licensed early education or child care programs plays in the lives of these children. The study is to provide certain statistical and demographic information and recommend ways in which early education or child care programs can assist in ensuring that children remain safe. The study is also to examine ways in which children, from school entry age to 13, can be assured of remaining safe through use of licensed child care or after school programs. The report shall be submitted to the President of the Senate, Speaker of the House, and chairpersons of the appropriate substantive and appropriation committees by December 31, 2003.

The CS amends s. 411.01(6), F.S., to give priority to children served by DCF or lead agencies pursuant to Chapter 39, F.S., for participation in the school readiness program.

#### C. SECTION DIRECTORY:

**Section 1:** Creates an act; provides a popular name; provides intent; requires that certain children, enrolled in a licensed early education or child care program, participate 5 days per week; requires DCF to notify operators; provides that child may not be withdrawn from program without prior approval; provides attendance and reporting requirements of the children's parents, guardians, or foster parents; requires reports to DCF; requires site visits by DCF under certain circumstances; requires notification to the court.

**Section 2:** Directs DCF, in collaboration with the Agency for Workforce Innovation (AWI), to conduct a study of children, birth to school-entry age, being served by DCF and lead agencies pursuant to Chapter 39, F.S.; provides purpose; provides date for submittal of study.

**Section 3:** Amends s. 411.01(6), F.S.; gives priority to children served by DCF or lead agencies pursuant to Chapter 39, F.S., for participation in the school readiness program.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### Expenditures:

There will be a minimal fiscal impact, associated only with the costs of the required study. DCF has acknowledged the fiscal impact can be absorbed with existing funds.

FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

B. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

C. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On **April 11, 2003**, the Human Services Appropriations Subcommittee adopted one amendment. The major change made by the amendment is as follows:

- Added language clarifying the age of children who are impacted by the "Rilya Wilson Act", and who will be given priority for participation in the school readiness program.