

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** H1177 Safety of Children

**SPONSOR(S):** Sobel

**TIED BILLS:** **IDEN./SIM. BILLS:** S1318

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Children's Services (Sub)</u>	_____	<u>Walsh</u>	<u>Liem</u>
2) <u>Future of Florida's Families</u>	_____	_____	_____
3) <u>Human Services Appropriations (Sub)</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

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

The act requires reporting of absences by parents, guardians or foster parents.

The act requires the DCF report five consecutive absences to law enforcement, who will investigate the matter as a missing persons report.

The act becomes effective upon becoming law.

## 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 act provides legislative intent that children, who are clients of DCF's Family Safety Program Office, are at increased risk of poor school performance and other problems, and that they should be provided an age-appropriate education program to address the negative consequences associated with abuse, neglect or exploitation.

The act requires that children who are clients of DCF's Family Safety Program Office must be enrolled in a licensed public or private early education or child care program which they must attend five days per week. The child's parent, legal guardian or foster parent must select such a program which meets their needs and preferences.

The act requires that the child may not be withdrawn from the program without prior DCF approval, and that the child must attend the program five days per week. If the child is absent from the program, the

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<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)

child's parent, legal guardian or foster parent must report the absence to the program by the end of the day. If the absence is not timely reported, it is to be considered unexcused. The licensed program must report any unexcused absence to DCF. If the child's parent, legal guardian or foster parent fails to report two consecutive absences, DCF's Family Safety Program Office shall intervene.

The act requires that five consecutive unexcused absences constitute an unapproved withdrawal from the program, which DCF must report to law enforcement. The act directs DCF to investigate the matter as a missing person report.

C. SECTION DIRECTORY:

**Section 1:** Provides a popular name; provides intent; requires that certain children be enrolled in an early education or child care program; provides that child may not be withdrawn from program with prior approval; provides attendance and reporting requirements of the children's parents, guardians, or foster parents; requires law enforcement to investigate certain reports.

**Section 2:** Provides that act is effective upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures: Please also see "Fiscal Comments" below

	<u>FY 2003.2004</u>	<u>FY 2004-2005</u>
Non-recurring or start-up	\$ 35,804	
Recurring or annualized continuation	<u>\$ 14,662,413</u>	<u>\$ 14,708,271</u>
Total	\$ 14,698,217	\$ 14,708,271

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The act will require that additional children enroll in licensed public or private early education or child care programs, which may provide economic benefits to those entities.

D. FISCAL COMMENTS:

DCF reports that the fiscal impact estimates are based on the cost of the child care services to be provided to the additional children to be served and the additional Family Safety Program Office staff necessary to perform the activities resulting from passage of this act. The child care costs assume 9,352 children currently aged 3 to 5 being served by the Family Safety Program Office less the number of at-risk children already receiving child care services time the average annual cost of care.

DCF further reports it will require the following additional staff for each fiscal year: 4 FTE Family Services Counselor positions; ¼ FTE Family Services Specialist position; and ½ FTE Government Operations Analyst position. The associated salaries for FY 2003-2004 are estimated at nine-month funding and total \$264,517. The associated salaries for FY 2004-2005 are estimated at twelve-month funding and total \$274,571.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No rulemaking authority is granted or revised.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 1, subsection (4)(c)1. of the bill requires that the child's parent, legal guardian, or foster parent report a child's absence from the program by the end of the program day, and requires that the program report to DCF all unexcused absences. The bill does not require that the program report to DCF in the situation where the child's parent, legal guardian, or foster parent reports the child's absences for an extended period of time, e.g., the child's parent calls the program every day for twelve days to report that the child will not be in attendance.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES