

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1177 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			
3) Human Services Appropriations (Sub)			
4) Appropriations			
5)			

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 bill as filed has an estimated fiscal impact of \$14.7 million per year. The bill as amended has 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: h1177a.fff.doc
DATE: March 25, 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 Herald¹, 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

¹ 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/3225988.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:

None..

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

On March 25, 2003, the Subcommittee on Children's Services adopted a strike all amendment to the bill.

Section 1: The amendment 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 bill 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 licensed early education or child care program must report any unexcused absence or seven consecutive excused absences to DCF or the lead agency.

The bill 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.

Section 2: DCF is directed, 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.

Section 3: The bill 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.

The Subcommittee was advised that there would be a minimal fiscal impact resulting from this amendment, associated only with the costs of the required study, since the amendment removes the requirement that all children age 3 to school entry age being served under Chapter 39, F.S., participate in licensed early education or child care programs.