

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1027 CS                      Child Safety  
**SPONSOR(S):** Cusack  
**TIED BILLS:** None.                      **IDEN./SIM. BILLS:** CS/SB 246

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	5 Y, 3 N, w/CS	Howlette	Mizereck
2) Future of Florida's Families Committee	6 Y, 0 N, w/CS	Davis	Collins
3) Judiciary Committee			
4) Education Council			
5) _____			

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### SUMMARY ANALYSIS

Presently, there is no statutory requirement or statewide policy requiring photo identification prior to retrieving a child from a public school, nonpublic school, or certain child care facilities. Districts, nonpublic schools and facilities have flexibility in determining student retrieval policies.

The bill requires that school boards of each public school district adopt policies which ensure that students in that school district are not released from the schools to persons who are not authorized to retrieve them. It requires that such policies must include a requirement that a person attempting to retrieve the student present picture identification to the school principal or designee before the student is released to the person. It defines "picture identification" to mean a valid state driver's license, a valid state identification card, or a valid United States military identification card. It requires these policies to be developed no later than July 1, 2006, and requires that copies of these policies be provided to the Department of Education.

The bill also places the same requirements for developing policies on nonpublic schools and child care providers. For these entities, copies of the policies must be maintained on the premises and be readily available for public inspection.

The bill does not appear to have a fiscal impact on state or local governments.

The bill takes effect July 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government** – The bill requires district school boards, nonpublic schools, and certain child care facilities to adopt policies mandating that individuals present specified picture identification prior to retrieving children from public and non-public schools and certain child care facilities.

**Empower families** – The bill may provide an added measure of safety for the retrieval of children from public schools, nonpublic schools, and certain child care facilities.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

There is currently no statewide statutory requirement for identification to be presented prior to retrieving a child from a school or child care setting. According to the Department of Education (DOE), public school districts and schools currently have flexibility in determining student retrieval policies. Examples of policies currently in place include:

- Requiring picture identification only at the beginning of the school year until the person is recognized by school staff.
- Requiring that parents and guardians provide identification at the beginning of the year in order to obtain an alternative form of identification such as a sticker, tag, or a flyer with the student's photograph and the photograph of the persons authorized to pick up the child.
- Requiring that parents and guardians provide picture identification to the school at the beginning of the year and further requiring that the identification match a pre-approved list of authorized or emergency contacts when retrieving the child.

Section 65C-22.006(4)(b), Florida Administrative Code, relating to licensed child care facilities, provides that "a child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing, by the custodial parent or legal guardian." This section does not require picture identification and neither statute nor rule addresses policies for releasing children from family day care homes or from child care providers exempt from licensing.

In response to the concern for missing children in Florida, the 1982 Florida Legislature appropriated funds to the Florida Department of Law Enforcement for the establishment of the first state Missing Children Information Clearinghouse (MCIC) in the nation. The program provides liaison among citizens, private organizations and law enforcement officials regarding missing children information.

The MCIC is located within the Division of Criminal Justice Information Services and is a central repository of information regarding missing children. The information is collected and disseminated to assist law enforcement agencies, public and private organizations and the citizens of Florida in locating missing children. The MCIC is utilized as a resource center and information exchange service, and complements the state and federal computerized missing person's files.

Additional services provided by the MCIC include a directory of resources available for additional assistance in locating a child; emergency flyers requested by law enforcement agencies containing descriptors of missing children believed to be in immediate danger; training for law enforcement agencies and public/private organizations regarding the operations of the MCIC; and a child safety guide which includes a list of precautions which outlines programs to insure our children's safety.

MCIC accepts cases that meet the following criteria:

- The child has been reported missing to a law enforcement agency;
- The child is seventeen (17) years of age or younger; and
- The child is missing from Florida or believed to be in Florida.

Neither the Florida Department of Law Enforcement (FDLE) nor the National Center for Missing and Exploited Children (NCMEC), tracks incidences of children removed from school or child care settings by persons not authorized to do so. As of February 2, 2005, 151 Florida children were listed on the NCMEC missing children web page. However, the list includes both runaways and persons who were children when their whereabouts became unknown but who are now adults. After removing these categories from the list, there remain 49 children who are listed on the national database as missing Florida children.

### **Effect**

The committee substitute requires that school districts, nonpublic schools and child care providers adopt policies by July 1, 2006, to ensure that students are only released to persons who are authorized to retrieve them. These policies must include a requirement that a person attempting to retrieve a student at a public school present one of three types of picture identifications to either the school principal or the principal's designee before the student is released to the person. At the nonpublic schools, the policies must also include a requirement that a person attempting to retrieve a student present one of three types of picture identification to the appropriate school or child care official or his or her designee before the child is released to the person. "Picture identification" is defined as a valid state driver's license, a valid state identification card, or a valid United States military identification card.

This bill applies to persons retrieving students at:

- A public school;
- A nonpublic school exempt from child care licensure under s. 402.3025, F.S.;
- A child care facility licensed under s. 402.305, F.S.;
- A family day care home licensed under s. 402.313, F.S.;
- A family day care home licensed or registered under s. 402.3131, F.S.;
- A large family child care home licensed under s. 402.3131, F.S.;
- A private school as defined in s. 1002.01, F.S.; or
- A faith-based child care provider exempt from licensure under s. 402.316, F.S.

Each district school board must provide the DOE with copies of its policies. Nonpublic schools, private schools and the specified child care providers must have copies of their policies readily available for inspection on their premises. These policies must be adopted prior to July 1, 2006.

The bill limits the acceptable forms of identification to three, not recognizing the emerging possibilities of other valid means of establishing the identity of persons seeking to retrieve children from child care and educational settings.

The implementation of the bill could present logistical challenges for school districts, nonpublic schools, and larger child care centers.

The bill takes effect on July 1, 2005.

### **C. SECTION DIRECTORY:**

**Section 1.** Creates an unnumbered section of law to require district school boards to promulgate policies that will ensure that students are not released from school to persons who are not authorized to retrieve them.

**Section 2.** Creates an unnumbered section of law to require nonpublic schools and specified child care facilities to promulgate policies that will ensure that students are not released from school to persons who are not authorized to retrieve them.

**Section 3.** Provides an effective date of July 1, 2005.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

This bill does not appear to have a fiscal impact on state government revenues.

#### **2. Expenditures:**

This bill does not appear to have a fiscal impact on state government expenditures.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

According to the DOE, no costs are associated with requiring identification for retrieving children/students. However, some districts and facilities have incurred costs implementing policies similar to what is required in this bill. For example, one school district spends approximately \$600 per school to print plastic windshield stickers required to access parent pick-up areas.

#### **2. Expenditures:**

This bill does not appear to have a fiscal impact on local government expenditures.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

If the parent or guardian does not have one of the "picture identification" required, he or she will have to incur the expense to obtain one.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

#### **2. Other:**

None.

### **B. RULE-MAKING AUTHORITY:**

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the Department of Education analysis:

- The bill needs to clarify the definition of “retrieving” a child as it could be interpreted in different ways. For example, it could only apply to entering a school building or facility to pick-up a child, or it could apply also to driving through the pick-up area. The bill should also clarify the definition of “released” for the same reasons.
- This bill proposes a one-size-fits-all approach where those retrieving high school students require the same level of identification as those retrieving very young children from day care facilities.
- This issue is complex, the capabilities of districts and child care facilities vary (i.e., in a small rural community everyone retrieving a child may be personally known to staff, in a larger community, technology solutions are more likely to be used), and identification required for retrieval may vary with the age of the child/student. The bill might more effectively achieve its intent if districts and child care facilities were required to establish policies to ensure that no child is released to a person not authorized to retrieve them.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 22, 2005 meeting, the PreK-12 Committee adopted a strike-all amendment. This bill analysis reflects the bill as amended.

On April 7, 2005, the Future of Florida’s Families Committee adopted a committee substitute to HB 1027. The committee substitute added large family child care homes licensed under s. 402.3131, F.S., to the types of facilities that must promulgate policies relating to the provisions of this bill.

This analysis reflects the bill as a committee substitute.