

By the Committee on Children and Families; and Senators
Wilson, Miller, Dawson, Lynn, Lawson and Campbell

300-2062-03

1 A bill to be entitled
2 An act relating to the safety of children;
3 providing a short title; providing legislative
4 intent; requiring children enrolled in an early
5 education or child care program to participate
6 5 days a week; providing attendance and
7 reporting responsibilities of the child's
8 parent or guardian and of the Family Safety
9 Program Office of the Department of Children
10 and Family Services; requiring a report to law
11 enforcement agencies if a child is missing;
12 amending s. 411.01, F.S.; conforming
13 provisions; providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Short title; legislative intent;
18 requirements; attendance and reporting responsibilities.--

19 (1) SHORT TITLE.--This section may be cited as the
20 "Rilya Wilson Act."

21 (2) LEGISLATIVE INTENT.--The Legislature recognizes
22 that children who are in the care of the state due to abuse,
23 neglect, or abandonment are at increased risk of poor school
24 performance and other behavioral and social problems. It is
25 the intent of the Legislature that children who are currently
26 in the care of the state be provided with an age-appropriate
27 education program to help ameliorate the negative consequences
28 of abuse, neglect, or abandonment.

29 (3) REQUIREMENTS.--A child who is age 3 years to
30 school entry, under court ordered protective supervision or in
31 the custody of the Family Safety Program Office of the

1 Department of Children and Family Services or a
2 community-based lead agency, and enrolled in a licensed early
3 education or child care program must be enrolled to
4 participate in the program 5 days a week. The case plan
5 developed for a child pursuant to chapter 39, Florida
6 Statutes, who is enrolled in a licensed early education or
7 child care program must contain the participation in this
8 program as a required action. An exemption to participating in
9 the licensed early education or child care program 5 days a
10 week may be granted by the court.

11 (4) ATTENDANCE AND REPORTING REQUIREMENTS.--

12 (a) A child enrolled in a licensed early education or
13 child care program who meets the requirements of subsection
14 (3) may not be withdrawn from the program without the prior
15 written approval of the Family Safety Program Office of the
16 Department of Children and Family Services or the
17 community-based lead agency.

18 (b)1. If a child covered by this section is absent
19 from the program on a day when he or she is supposed to be
20 present, the person with whom the child resides must report
21 the absence to the program by the end of the business day. If
22 the person with whom the child resides, whether the parent or
23 caregiver, fails to timely report the absence, the absence is
24 considered to be unexcused. The program shall report any
25 unexcused absence or seven consecutive excused absences of a
26 child who is enrolled in the program and covered by this act
27 to the local designated staff of the Family Safety Program
28 Office of the Department of Children and Family Services or
29 the community-based lead agency by the end of the business day
30 following the unexcused absence or seventh consecutive excused
31 absences.

1 2. The department or community-based lead agency shall
2 conduct a site visit to the residence of the child upon
3 receiving a report of two consecutive unexcused absences or
4 seven consecutive excused absences.

5 3. If the site visit results in a determination that
6 the child is missing, the department or community-based lead
7 agency shall report the child as missing to a law enforcement
8 agency and proceed with the necessary actions to locate the
9 child pursuant to procedures for locating missing children.

10 4. If the site visit results in a determination that
11 the child is not missing, the parent or caregiver shall be
12 notified that failure to ensure that the child attends the
13 licensed early education or child care program is a violation
14 of the case plan. If more than two site visits are conducted
15 pursuant to this subsection, staff shall initiate action to
16 notify the court of the parent or caregiver's noncompliance
17 with the case plan.

18 Section 2. (1) The Department of Children and Family
19 Services, in collaboration with the Agency for Workforce
20 Innovation, shall conduct a study of the children being served
21 by the department's Family Safety Program Office and the
22 community-based lead agencies pursuant to chapter 39, Florida
23 Statutes. The purpose of the study is to examine children from
24 birth to school entry age who have been abused, neglected, or
25 abandoned and are under protective supervision or custody of
26 the Department of Children and Family Services or the
27 community-based lead agencies and the role participation in
28 licensed early education or child care programs has in
29 ensuring the safety of these children.

30 (2) The study shall examine and provide the following
31 information:

1 (a) A compilation of data, including percentages, on
2 children from birth to school entry age under protective
3 supervision or custody of the department or a community-based
4 lead agency that compares children enrolled and not enrolled
5 in licensed early education or child care programs, based on
6 age, district, and type of placement, including foster care,
7 relative caregiver, in-home, and nonrelative placements;

8 (b) The identification of children whose case plans
9 require providing an early education or child care program,
10 including those for whom such service is not being provided;
11 and

12 (c) A description of the expansion of programs and
13 associated costs required for all children from birth to
14 school entry age who are under protective supervision or
15 custody of the department or a community-based lead agency to
16 be served in licensed early education or child care programs
17 based on specific age groups.

18 (3) The study shall explore and provide
19 recommendations for ways in which licensed early education and
20 child care programs can best assist in assuring that children
21 from birth to school entry age under protective supervision or
22 custody of the department or a community-based lead agency
23 remain safe. The study shall also examine whether licensed
24 child care or after school programs can assist in assuring
25 that children between the age of school entry and 13 years who
26 are under protective supervision or custody of the department
27 or a community-based lead agency provider remain safe and
28 shall provide recommendations, if necessary.

29 (4) The Department of Children and Family Services, in
30 collaboration with the Agency for Workforce Innovation, shall
31 submit a report on the results of the study to the President

1 of the Senate, the Speaker of the House of Representatives,
2 and the chairpersons of the appropriate substantive committees
3 and appropriation committees by December 31, 2003.

4 Section 3. Subsection (6) of section 411.01, Florida
5 Statutes, is amended to read:

6 411.01 Florida Partnership for School Readiness;
7 school readiness coalitions.--

8 (6) PROGRAM ELIGIBILITY.--The school readiness program
9 shall be established for children under the age of
10 kindergarten eligibility. Priority for participation in the
11 school readiness program shall be given to children who are
12 served by the Family Safety Program Office of the Department
13 of Children and Family Services or a community-based lead
14 agency pursuant to chapter 39 and for whom child care is
15 needed to minimize risk of further abuse, neglect, or
16 abandonment. Other eligible populations include children who
17 meet one or more of the following criteria:

18 (a) Children under the age of kindergarten eligibility
19 who are:

20 ~~1. Children determined to be at risk of abuse,~~
21 ~~neglect, or exploitation and who are currently clients of the~~
22 ~~Family Safety Program Office of the Department of Children and~~
23 ~~Family Services.~~

24 ~~1.2.~~ Children at risk of welfare dependency, including
25 economically disadvantaged children, children of participants
26 in the welfare transition program, children of migrant
27 farmworkers, and children of teen parents.

28 ~~2.3.~~ Children of working families whose family income
29 does not exceed 150 percent of the federal poverty level.

30 ~~3.4.~~ Children for whom the state is paying a relative
31 caregiver payment under s. 39.5085.

1 (b) Three-year-old children and 4-year-old children
2 who may not be economically disadvantaged but who have
3 disabilities, have been served in a specific part-time or
4 combination of part-time exceptional education programs with
5 required special services, aids, or equipment, and were
6 previously reported for funding part time with the Florida
7 Education Finance Program as exceptional students.

8 (c) Economically disadvantaged children, children with
9 disabilities, and children at risk of future school failure,
10 from birth to 4 years of age, who are served at home through
11 home visitor programs and intensive parent education programs
12 such as the Florida First Start Program.

13 (d) Children who meet federal and state requirements
14 for eligibility for the migrant preschool program but who do
15 not meet the criteria of economically disadvantaged.

16
17 An "economically disadvantaged" child means a child whose
18 family income is below 150 percent of the federal poverty
19 level. Notwithstanding any change in a family's economic
20 status, but subject to additional family contributions in
21 accordance with the sliding fee scale, a child who meets the
22 eligibility requirements upon initial registration for the
23 program shall be considered eligible until the child reaches
24 kindergarten age.

25 Section 4. This act shall take effect upon becoming a
26 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1318

4
5 Removes the requirement that children between the age of 3
6 years and school entry who are being served by the Family
7 Safety Program Office of the Department of Children and
8 Families due to abuse, neglect, or abandonment be enrolled in
9 a licensed early education and child care program. This
10 requirement is replaced by one that stipulates that children
11 age 3 years to school entry who are enrolled in a licensed
12 early education and child care program as a result of being
13 abused, neglected, or abandoned and being served by Family
14 Safety Program Office must participate in the program 5 days a
15 week.

16 Requires that the child's case plan include the participation
17 in the licensed early education and child care program.

18 Permits an exemption to participating in the early education
19 and child care program 5 days a week if approved by the court.

20 Revises the attendance and reporting requirements.

21 Provides for required actions if the site visit as a result of
22 reported absences finds the child is not missing.

23 Provides for required actions if the site visit, as a result
24 of reported absences, finds that the child is missing.

25 Directs the Department of Children and Families, in
26 collaboration with the Agency for Workforce Innovation, to
27 conduct a study of the children being served by the
28 department's Family Safety Program Office pursuant to ch. 39,
29 F.S., and the role participation in early education and child
30 care programs has in ensuring the safety of the children. Sets
31 forth requirements for the study and a report to be submitted
to the Legislature by December 31, 2003.

Provides for children who are served by the Family Safety
Program Office of the department or a community-based lead
agency pursuant to ch. 39, F.S., and for whom child care is
needed to minimize the risk of further abuse, neglect, or
abandonment to be given priority to participate in the school
readiness programs.