

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

309-2440-03

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 the Department of Children  
5           and Family Services to notify certain education  
6           or child care programs of the enrollment of  
7           certain children; requiring children enrolled  
8           in an early education or child care program to  
9           participate 5 days a week; providing attendance  
10          and reporting responsibilities of the child's  
11          parent or guardian and of the Family Safety  
12          Program Office of the Department of Children  
13          and Family Services; requiring a report to law  
14          enforcement agencies if a child is missing;  
15          amending s. 411.01, F.S.; conforming  
16          provisions; providing an effective date.

17

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

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20           Section 1. Short title; legislative intent;  
21 requirements; attendance and reporting responsibilities.--

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

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

1           (3) REQUIREMENTS.--A child who is age 3 years to  
2 school entry, under court ordered protective supervision or in  
3 the custody of the Family Safety Program Office of the  
4 Department of Children and Family Services or a  
5 community-based lead agency, and enrolled in a licensed early  
6 education or child care program must be enrolled to  
7 participate in the program 5 days a week. Notwithstanding the  
8 requirements of section 39.202, Florida Statutes, the  
9 Department of Children and Family Services must notify  
10 operators of the licensed early education or child care  
11 program, subject to the reporting requirements of this act, of  
12 the enrollment of any child age 3 years to school entry, under  
13 court ordered protective supervision or in the custody of the  
14 Family Safety Program Office of the Department of Children and  
15 Family Services or a community-based lead agency. The case  
16 plan developed for a child pursuant to chapter 39, Florida  
17 Statutes, who is enrolled in a licensed early education or  
18 child care program must contain the participation in this  
19 program as a required action. An exemption to participating in  
20 the licensed early education or child care program 5 days a  
21 week may be granted by the court.

22           (4) ATTENDANCE AND REPORTING REQUIREMENTS.--

23           (a) A child enrolled in a licensed early education or  
24 child care program who meets the requirements of subsection  
25 (3) may not be withdrawn from the program without the prior  
26 written approval of the Family Safety Program Office of the  
27 Department of Children and Family Services or the  
28 community-based lead agency.

29           (b)1. If a child covered by this section is absent  
30 from the program on a day when he or she is supposed to be  
31 present, the person with whom the child resides must report

1 the absence to the program by the end of the business day. If  
2 the person with whom the child resides, whether the parent or  
3 caregiver, fails to timely report the absence, the absence is  
4 considered to be unexcused. The program shall report any  
5 unexcused absence or seven consecutive excused absences of a  
6 child who is enrolled in the program and covered by this act  
7 to the local designated staff of the Family Safety Program  
8 Office of the Department of Children and Family Services or  
9 the community-based lead agency by the end of the business day  
10 following the unexcused absence or seventh consecutive excused  
11 absences.

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

16 3. If the site visit results in a determination that  
17 the child is missing, the department or community-based lead  
18 agency shall report the child as missing to a law enforcement  
19 agency and proceed with the necessary actions to locate the  
20 child pursuant to procedures for locating missing children.

21 4. If the site visit results in a determination that  
22 the child is not missing, the parent or caregiver shall be  
23 notified that failure to ensure that the child attends the  
24 licensed early education or child care program is a violation  
25 of the case plan. If more than two site visits are conducted  
26 pursuant to this subsection, staff shall initiate action to  
27 notify the court of the parent or caregiver's noncompliance  
28 with the case plan.

29 Section 2. (1) The Department of Children and Family  
30 Services, in collaboration with the Agency for Workforce  
31 Innovation, shall conduct a study of the children being served

1 by the department's Family Safety Program Office and the  
2 community-based lead agencies pursuant to chapter 39, Florida  
3 Statutes. The purpose of the study is to examine children from  
4 birth to school entry age who have been abused, neglected, or  
5 abandoned and are under protective supervision or custody of  
6 the Department of Children and Family Services or the  
7 community-based lead agencies and the role participation in  
8 licensed early education or child care programs has in  
9 ensuring the safety of these children.

10 (2) The study shall examine and provide the following  
11 information:

12 (a) A compilation of data, including percentages, on  
13 children from birth to school entry age under protective  
14 supervision or custody of the department or a community-based  
15 lead agency that compares children enrolled and not enrolled  
16 in licensed early education or child care programs, based on  
17 age, district, and type of placement, including foster care,  
18 relative caregiver, in-home, and nonrelative placements;

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

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

29 (3) The study shall explore and provide  
30 recommendations for ways in which licensed early education and  
31 child care programs can best assist in assuring that children

1 from birth to school entry age under protective supervision or  
2 custody of the department or a community-based lead agency  
3 remain safe. The study shall also examine whether licensed  
4 child care or after school programs can assist in assuring  
5 that children between the age of school entry and 13 years who  
6 are under protective supervision or custody of the department  
7 or a community-based lead agency provider remain safe and  
8 shall provide recommendations, if necessary.

9 (4) The Department of Children and Family Services, in  
10 collaboration with the Agency for Workforce Innovation, shall  
11 submit a report on the results of the study to the President  
12 of the Senate, the Speaker of the House of Representatives,  
13 and the chairpersons of the appropriate substantive committees  
14 and appropriation committees by December 31, 2003.

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

17 411.01 Florida Partnership for School Readiness;  
18 school readiness coalitions.--

19 (6) PROGRAM ELIGIBILITY.--The school readiness program  
20 shall be established for children under the age of  
21 kindergarten eligibility. Priority for participation in the  
22 school readiness program shall be given to children age 3  
23 years to school entry who are served by the Family Safety  
24 Program Office of the Department of Children and Family  
25 Services or a community-based lead agency pursuant to chapter  
26 39 and for whom child care is needed to minimize risk of  
27 further abuse, neglect, or abandonment. Other eligible  
28 populations include children who meet one or more of the  
29 following criteria:

30 (a) Children under the age of kindergarten eligibility  
31 who are:

1           ~~1. Children determined to be at risk of abuse,~~  
2 neglect, or exploitation and who are currently clients of the  
3 Family Safety Program Office of the Department of Children and  
4 Family Services.

5           1.2. Children at risk of welfare dependency, including  
6 economically disadvantaged children, children of participants  
7 in the welfare transition program, children of migrant  
8 farmworkers, and children of teen parents.

9           ~~2.3.~~ Children of working families whose family income  
10 does not exceed 150 percent of the federal poverty level.

11           ~~3.4.~~ Children for whom the state is paying a relative  
12 caregiver payment under s. 39.5085.

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

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

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

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29 An "economically disadvantaged" child means a child whose  
30 family income is below 150 percent of the federal poverty  
31 level. Notwithstanding any change in a family's economic

1 status, but subject to additional family contributions in  
2 accordance with the sliding fee scale, a child who meets the  
3 eligibility requirements upon initial registration for the  
4 program shall be considered eligible until the child reaches  
5 kindergarten age.

6 Section 4. This act shall take effect upon becoming a  
7 law.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 CS for Senate Bill 1318

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12 The Committee Substitute requires the Department of Children  
13 and Family Services to notify operators of licensed early  
14 education or child care programs of the enrollment of any  
15 child age three years to school entry, under court ordered  
16 protective supervision or in the custody of the Family Safety  
17 Program Office of the Department of Children and Family  
18 Services, or a community-based lead agency.

16 The Committee Substitute adds language to clarify that the  
17 amended eligibility provisions apply only to children ages  
18 three years to school entry.

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