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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:
19

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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