

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1027 CS

Child Safety

**SPONSOR(S):** Cusack

**TIED BILLS:**

**IDEN./SIM. BILLS:** CS/SB 246

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

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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, non-public school or certain child care facilities. Districts, nonpublic schools and facilities have flexibility in determining student retrieval policies.

The bill requires that district school boards, nonpublic schools, and certain child care facilities promulgate policies that ensure that children are not released to persons who are not authorized to retrieve them. These policies must include a requirement that individuals present picture identification to a school or child care official before the child is released. The bill defines picture identification to include a valid state driver's license, a valid state identification card, or a valid United States military identification card.

This 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, non-public schools, and certain child care facilities.

#### B. EFFECT OF PROPOSED CHANGES:

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 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; and
- Requiring that individuals who retrieve a student sign a log, without picture identification.

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.

The bill requires that district school boards, nonpublic schools, and certain child care facilities promulgate policies that ensure that children are not released to persons who are not authorized to retrieve them. These policies must include a requirement that individuals present one of three types of picture identification to a school or child care official before the child is released. The photo identification is defined as a valid state driver's license, a valid state identification card, or a valid United States military identification card. In addition to public schools, the facilities that must promulgate such policies include:

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

District school boards must provide the policies they adopt to the Department of Education. Other facilities must maintain copies of their policies on the premises. The policies must be adopted prior to July 1, 2006.

The implementation of the bill could present logistical challenges for school districts, non-public 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:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

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.

#### **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.