

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Education Committee

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BILL: CS/SB 246

SPONSOR: Children and Families Committee and Senator Hill

SUBJECT: Child Safety

DATE: February 11, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Hermanson</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

CS/SB 246 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 to be provided to the Department of Education.

The committee substitute places the same requirements for developing policies on non-public 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.

This committee substitute creates unnumbered sections of the Florida Statutes, and will take effect July 1, 2005.

## II. Present Situation:

There is 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. In a survey of eight school districts, the following policies were described:

- 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; and
- 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.

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.<sup>1</sup> 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.

### III. Effect of Proposed Changes:

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 committee substitute applies to persons retrieving students at:

- A public school;
- A non-public 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 un 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.

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<sup>1</sup> [www.missingkids.com](http://www.missingkids.com)

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.

The committee substitute 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.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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