

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill requires public schools, non-public schools, and certain child care facilities to adopt policies requiring individuals to present valid picture identification before retrieving children from school prior to the normal dismissal time.

Empower Families-- The bill lowers the risk of students being released to unauthorized persons, in public schools, non-public schools, and certain child care facilities.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Presently, there is not a statewide policy requiring picture identification from individuals attempting to retrieve a child prior to the normal dismissal time. According to the Department of Education (DOE), public school districts and schools currently have flexibility in determining student retrieval policies.¹ Examples of existing public school policies 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 in exchange for 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. In order to retrieve a student, the identification must match the list of authorized emergency contacts. Thus picture identification alone does not link a person to the child.²

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."³ 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.

Effects of Proposed Changes:

House Bill 163 requires district school boards, non-public schools, and certain child care facilities to adopt policies regarding the release of children in pre-kindergarten through grade 8. The bill requires the following entities to each adopt a student retrieval policy:

- Public schools;
- 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.

¹ Florida Department of Education, *2006 Legislative Bill Analysis for HB 163*, October 2005.

² Id.

³ Fla. Admin. Code Ann. r. 65C-22.006 (2005).

Each policy shall 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 other than at normal dismissal time. The bill defines picture identification as a valid state driver's license, a valid state identification card, or a valid United States military identification card. Each district school board must submit a copy of its policy to the Department of Education. Other affected entities must maintain a copy of their policy on the premises.

The policies must be adopted no later than July 1, 2006.

The bill takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring school districts to adopt policies so that students are not released from school outside the normal dismissal time to persons who are not authorized to retrieve them.

Section 2. Creates an unnumbered section of law requiring nonpublic schools and specified child care facilities to adopt policies so that students are not released from school outside the normal dismissal time to persons who are not authorized to retrieve them.

Section 3. Provides that this act shall take effect upon becoming law.

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:

School districts, non-public schools, and child care facilities may encounter difficulties with adoption of policies by July 1, 2006. Consideration should be given to amending the bill to allow more time for the affected entities to develop and adopt policies.

The bill states that student retrieval policies are to be adopted to “ensure” children are not released to unauthorized persons. Because no legislatively created policy can ensure a given outcome, consideration should be given to amending the bill to delete the use of this term.

Limiting the term “picture identification” to a valid state driver’s license, a valid state identification card, or a valid United States military identification card may be problematic as some parents or persons authorized to retrieve a child outside the normal dismissal time may not possess any of these types of identification. Citing concerns by districts that serve migrant parents and students, the DOE suggests that the term “picture identification” be broadened to “personal identification” and that acceptable documents would include biometric identification and a valid passport.⁴ Consideration should be given to amending the bill to 1.) use the term “personal identification” and 2.) allow local discretion to determine acceptable forms of identification, so that policies address unique circumstances occurring within the populations served.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

⁴ Florida Department of Education, *2006 Legislative Bill Analysis for HB 163*, October 2005.