

# 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 418

INTRODUCER: Education Committee and Senator Hill

SUBJECT: Schools/Release of Children

DATE: March 21, 2006

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/1 amendment</u>
2.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill requires school boards of each public school district to adopt policies which ensure that children in that school district are not released from the schools to persons who are not authorized to retrieve them. The policies must require a person attempting to retrieve the child to present picture identification to the school principal or designee before the child is released to the person. It defines "picture identification" to mean a valid state driver's license, a valid state identification card, a valid United States military identification card, a valid student identification card from a postsecondary institution, or a valid employee identification card. It requires these policies to be developed no later than July 1, 2007, and copies of these policies must be provided to the Department of Education.

The bill places the same requirements for developing policies on nonpublic 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 bill creates two unnumbered sections of the Florida Statutes.

## 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), school districts and public schools currently have flexibility in determining student retrieval policies. In a survey of eight school districts, the following policies were described:

- Requiring a person to present picture identification only at the beginning of the school year until the person is recognized by school staff;

- Requiring parents and guardians to provide identification at the beginning of the year and 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 parents and guardians to provide picture identification to the school at the beginning of the year and the identification match a pre-approved list of authorized or emergency contacts.

Section 65C-22.006(4)(b), FAC, 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 December 14, 2005, 149 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 remained 45 children who are listed on the national database as missing Florida children.

### **III. Effect of Proposed Changes:**

The bill requires school districts, nonpublic schools and child care providers to adopt policies by July 1, 2007, to ensure that children are released only to persons who are authorized to retrieve them. These policies must require a person attempting to retrieve a child at a public school to present one of five types of picture identifications to either the school principal or the principal's designee before the child is released to the person. At the nonpublic schools, the policies must also require a person attempting to retrieve a child to present one of the same five 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, a valid United States military identification card, a valid student identification card from a postsecondary institution, or a valid employee identification card.

The bill applies to persons retrieving children at:

- A public school;
- A nonpublic school exempt from child care licensure under s. 402.3025(2), F.S.;
- A child care facility licensed under s. 402.305, F.S.;
- A family day care home licensed or registered under s. 402.313, 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.

While the bill limits the acceptable forms of identification to five, there may be other valid means of establishing the identity of persons seeking to retrieve children from child care and educational settings. According to the DOE, the term “picture identification” might be broadened to “personal identification” to include biometric identification. Some school districts have raised concerns that migrant parents might not have the picture identification required by the bill. The DOE points out that in a small, rural community, everyone retrieving a child may be personally known to the staff, while some larger districts have begun to test biometric systems.

**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.

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

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

None.

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