

Committee Substitute for
Committee Substitute for Senate Bill No. 1318

An act relating to the safety of children; providing a short title; providing legislative intent; requiring the Department of Children and Family Services to notify certain education or child care programs of the enrollment of certain children; requiring children enrolled in an early education or child care program to participate 5 days a week; providing attendance and reporting responsibilities of the child's parent or guardian and of the Family Safety Program Office of the Department of Children and Family Services; requiring a report to law enforcement agencies if a child is missing; amending s. 411.01, F.S.; conforming provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title; legislative intent; requirements; attendance and reporting responsibilities.—

(1) SHORT TITLE.—This section may be cited as the “Rilya Wilson Act.”

(2) LEGISLATIVE INTENT.—The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) REQUIREMENTS.—A child who is age 3 years to school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency, and enrolled in a licensed early education or child care program must be enrolled to participate in the program 5 days a week. Notwithstanding the requirements of section 39.202, Florida Statutes, the Department of Children and Family Services must notify operators of the licensed early education or child care program, subject to the reporting requirements of this act, of the enrollment of any child age 3 years to school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency. The case plan developed for a child pursuant to chapter 39, Florida Statutes, who is enrolled in a licensed early education or child care program must contain the participation in this program as a required action. An exemption to participating in the licensed early education or child care program 5 days a week may be granted by the court.

(4) ATTENDANCE AND REPORTING REQUIREMENTS.—

(a) A child enrolled in a licensed early education or child care program who meets the requirements of subsection (3) may not be withdrawn from

the program without the prior written approval of the Family Safety Program Office of the Department of Children and Family Services or the community-based lead agency.

(b)1. If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused. The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the local designated staff of the Family Safety Program Office of the Department of Children and Family Services or the community-based lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absences.

2. The department or community-based lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

3. If the site visit results in a determination that the child is missing, the department or community-based lead agency shall report the child as missing to a law enforcement agency and proceed with the necessary actions to locate the child pursuant to procedures for locating missing children.

4. If the site visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the licensed early education or child care program is a violation of the case plan. If more than two site visits are conducted pursuant to this subsection, staff shall initiate action to notify the court of the parent or caregiver's noncompliance with the case plan.

Section 2. (1) The Department of Children and Family Services, in collaboration with the Agency for Workforce Innovation, shall conduct a study of the children being served by the department's Family Safety Program Office and the community-based lead agencies pursuant to chapter 39, Florida Statutes. The purpose of the study is to examine children from birth to school entry age who have been abused, neglected, or abandoned and are under protective supervision or custody of the Department of Children and Family Services or the community-based lead agencies and the role participation in licensed early education or child care programs has in ensuring the safety of these children.

(2) The study shall examine and provide the following information:

(a) A compilation of data, including percentages, on children from birth to school entry age under protective supervision or custody of the department or a community-based lead agency that compares children enrolled and not enrolled in licensed early education or child care programs, based on age, district, and type of placement, including foster care, relative caregiver, in-home, and nonrelative placements;

(b) The identification of children whose case plans require providing an early education or child care program, including those for whom such service is not being provided; and

(c) A description of the expansion of programs and associated costs required for all children from birth to school entry age who are under protective supervision or custody of the department or a community-based lead agency to be served in licensed early education or child care programs based on specific age groups.

(3) The study shall explore and provide recommendations for ways in which licensed early education and child care programs can best assist in assuring that children from birth to school entry age under protective supervision or custody of the department or a community-based lead agency remain safe. The study shall also examine whether licensed child care or after school programs can assist in assuring that children between the age of school entry and 13 years who are under protective supervision or custody of the department or a community-based lead agency provider remain safe and shall provide recommendations, if necessary.

(4) The Department of Children and Family Services, in collaboration with the Agency for Workforce Innovation, shall submit a report on the results of the study to the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the appropriate substantive committees and appropriation committees by December 31, 2003.

Section 3. Subsection (6) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children age 3 years to school entry who are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency pursuant to chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Other eligible populations include children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

~~1.—Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Family Safety Program Office of the Department of Children and Family Services.~~

~~1.2.~~ Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

~~2.3.~~ Children of working families whose family income does not exceed 150 percent of the federal poverty level.

3.4. Children for whom the state is paying a relative caregiver payment under s. 39.5085.

(b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.

(c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

(d) Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

An “economically disadvantaged” child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family’s economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.