



State of Florida  
Department of Children and Families

Rick Scott  
Governor

Mike Carroll  
Interim Secretary

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**DATE:** July 3, 2014

**TO:** Community-Based Care Lead Agency CEOs  
DCF Regional Managing Directors  
DCF CBC Contract Managers

**THROUGH:** Pete Digre, Deputy Secretary  
Janice Thomas, Assistant Secretary for Child Welfare  
Joshonda Guerrier, Director, Child Welfare Strategic Projects

**FROM:** Traci Leavine, Director, Child Welfare Practice  
Deborah Russo, Director, Office of Child Care Regulation & Background Screening

**SUBJECT:** Legislative Changes to the Rilya Wilson Act

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**PURPOSE:** This memorandum is to provide clarification about recent changes to the Rilya Wilson Act and Florida Administrative Code, governing children under court-ordered protective supervision or in the custody of the Department of Children and Families or a community-based care lead agency, who are enrolled in certain early education or child care programs.

**BACKGROUND:** The 2014 Florida Legislature amended Section 39.604(3), Florida Statutes:

(3) **REQUIREMENTS.** - A child from birth to the age of who is age 3 years to school entry, under court-ordered ~~court-ordered~~ protective supervision or in the custody of the Family Safety Program Office or the Department of Children and Families ~~Family Services~~ or a community-based lead agency, and enrolled in a licensed early education or child care program must attend ~~be enrolled to participate in~~ the program 5 days a week. Notwithstanding the requirements of s.39.202, the Department of Children and Families ~~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 from birth to the age of age 3 years to school entry, under court-ordered ~~court-ordered~~ protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Families ~~Family Services~~ or a community-based lead agency. When a child is enrolled in an early education or child care program regulated by the department, the child's attendance in the program must be a required action in the safety plan or the case plan developed for the a child

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~~pursuant to this chapter 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.

The requirements for the person with whom the child resides to report to the program a child's absence remain the same. The requirements for a program to report any unexcused absence or seven consecutive excused absences to the CBC or local designated DCF staff also remain the same. However, the 2014 Legislature amended Section 39.604(4)(b)4., Florida Statutes, regarding the site visit to be conducted by the CBC or Department upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences:

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 safety plan or 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.

In addition to the changes to the Rilya Wilson Act, the Department amended Florida Administrative Code on March 6, 2014. In response to requests from foster parents and Community-Based Care (CBC) lead agencies, and with input from DCF Child Care Regulation staff, Chapter 65C-13.030 now incorporates a priority order of choice in child care settings for children in licensed out-of-home care.

The change to the "Standards for Licensed Out-of-Home Caregivers" better aligns the Foster Care Licensing rule with normalcy standards by enabling caregivers to choose the most appropriate child care setting for dependent children in their homes. Prior to this change, CBCs and caregivers of children under school age faced a potentially lengthy waiver process in order for a child to attend many school readiness or Voluntary Pre-Kindergarten (VPK) programs, including public school programs.

Child care for children in licensed out-of-home care should be chosen by the foster parent(s), according to the following order:

1. Gold Seal-accredited child care provider, or provider participating in a quality rating system;
2. Licensed child care providers;
3. Public school providers;
4. License-exempt child care providers, as long as the provider is participating in the school readiness program through the local early learning coalition.

This gives foster parents greater flexibility in choosing high-quality early education and child care.

**ACTION REQUIRED:** Please share this information and the attachments with your subcontracted organizations, case managers, foster parents, community child care providers and other interested parties.

**CONTACT INFORMATION:** For additional information, please contact Kristi Putnam in the Office of Child Welfare at (850) 717-4659 or [kristi\\_putnam@dcf.state.fl.us](mailto:kristi_putnam@dcf.state.fl.us).

**ATTACHMENTS:**

Laws of Florida Ch. 2014-224 (effective July 1, 2014)  
65C-13.030, Florida Administrative Code (amended March 6, 2014)

cc: Shan Goff, Executive Director, Office of Early Learning, Florida Department of Education  
Kellie Sweat Darnell, Director, Child Welfare Operations  
Grainne O'Sullivan, Children's Legal Services Statewide Director  
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