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LEGISLATIVE ACTION

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|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 04/02/2013 | . |       |
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The Committee on Children, Families, and Elder Affairs (Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 409.175, Florida Statutes, is amended, and subsection (17) is added to that section, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(2) As used in this section, the term:

(b) "Boarding school" means a school that ~~which~~ is



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13 registered with the Department of Education as a school that  
14 provides a residential service for students and is:

15 1. Accredited for academic programs by the Florida Council  
16 of Independent Schools or the Southern Association of Colleges  
17 and Schools an accrediting association that is a member of the  
18 National Council for Private School Accreditation, or the  
19 Florida Association of Academic Nonpublic Schools, and; which is  
20 accredited for residential programs by the Council on  
21 Accreditation, the Commission on Accreditation of Rehabilitation  
22 Facilities, or the Coalition for Residential Education; or

23 2. Accredited by one of the organizations in subparagraph  
24 1. as a boarding school that includes both an academic and  
25 residential component in the accreditation. and which is  
26 ~~registered with the Department of Education as a school. Its~~  
27 ~~program must follow established school schedules, with holiday~~  
28 ~~breaks and summer recesses in accordance with other public and~~  
29 ~~private school programs. The children in residence must~~  
30 ~~customarily return to their family homes or legal guardians~~  
31 ~~during school breaks and must not be in residence year round,~~  
32 ~~except that this provision does not apply to foreign students.~~  
33 ~~The parents of these children retain custody and planning and~~  
34 ~~financial responsibility. A boarding school currently in~~  
35 ~~existence and a boarding school opening and seeking~~  
36 ~~accreditation have 3 years to comply with the requirements of~~  
37 ~~this paragraph. A boarding school must provide proof of~~  
38 ~~accreditation or documentation of the accreditation process upon~~  
39 ~~request. A boarding school that cannot produce the required~~  
40 ~~documentation or that has not registered with the Department of~~  
41 ~~Education shall be considered to be providing residential group~~



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42 ~~care without a license. The department may impose administrative~~  
43 ~~sanctions or seek civil remedies as provided under paragraph~~  
44 ~~(11)(a).~~

45 (17) Boarding schools are subject to the following  
46 requirements:

47 (a) A boarding school currently in existence, or a new  
48 boarding school that is seeking accreditation, must complete the  
49 accreditation requirements pursuant to paragraph (2)(b) within 3  
50 years after the date it registers with the Department of  
51 Education.

52 (b) A boarding school must provide to the Department of  
53 Education and the department, letters that verify application  
54 for accreditation no later than 270 days before registration.  
55 The letters must be provided by an accrediting agency described  
56 in subparagraph (2)(b)1. or subparagraph (2)(b)2. Effective July  
57 1, 2013, the Department of Education shall remove from the  
58 registry and the website any boarding school that has not  
59 completed the accreditation requirements of paragraph (2)(b) or  
60 has not provided the required verification letters.

61 (c) A boarding school must provide proof of accreditation  
62 or documentation of the accreditation process upon request by  
63 the department. The school must provide an annual report to the  
64 department on the status of achieving the accreditation required  
65 in paragraph (2)(b). The first report is due 12 months after the  
66 date of registration with the Department of Education. Boarding  
67 schools that have obtained the accreditations required under  
68 paragraph (2)(b) are not subject to the reporting requirements  
69 in this subsection.

70 (d) A boarding school that cannot produce the required



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71 documentation in accordance with this subsection or that has not  
72 registered with the Department of Education or has not obtained  
73 all required accreditation in accordance with paragraph (2) (b),  
74 shall be considered to be providing residential group care  
75 without a license. The department may impose administrative  
76 sanctions or seek civil remedies as provided under paragraph  
77 (11) (a) .

78 (e) The boarding school must require employees and  
79 contracted personnel with direct student contact to be  
80 background screened upon employment. The term "direct student  
81 contact" means unsupervised access to a student for whom the  
82 boarding school is responsible. The screening shall be conducted  
83 as provided in chapter 435, using the level 2 standards for  
84 screening set forth in that chapter. The department may grant  
85 exemptions from disqualification from working with children as  
86 provided in s. 435.07.

87 (f) The boarding school shall follow established school  
88 schedules and shall specify holiday breaks and summer recesses  
89 in accordance with other public and private school programs. The  
90 children in residence must customarily return to their family  
91 homes or legal guardians during school breaks and, with the  
92 exception of students who are citizens of foreign countries, may  
93 not be in residence year-round. The parents of children  
94 attending a boarding school retain custody of their children and  
95 responsibility for planning and finances.

96 Section 2. Paragraphs (a) and (b) of subsection (10) and  
97 subsection (15) of section 409.176, Florida Statutes, are  
98 amended to read:

99 409.176 Registration of residential child-caring agencies



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100 and family foster homes.-

101 (10) (a) The qualified association shall notify the  
102 department within 24 hours when the qualified association finds  
103 there is a violation of any of the provisions of this section  
104 which threatens harm to any child or which constitutes an  
105 emergency requiring immediate action.

106 (b) The qualified association shall notify the department  
107 within 3 calendar days when the qualified association finds,  
108 ~~within 30 days after written notification by registered mail of~~  
109 ~~the requirement for registration,~~ that a person or facility  
110 continues to care for children without a certificate of  
111 registration pursuant to this section, a license pursuant to s.  
112 409.175, or registration as a boarding school pursuant to s  
113 409.175. The department shall notify the appropriate state  
114 attorney of the violation of law and, if necessary, shall  
115 institute a civil suit to enjoin the person or facility from  
116 continuing the care of children.

117 (15) The qualified association issuing certificates of  
118 registration for Type II facilities under this section shall  
119 annually report to the department the following:

120 (a) The number of Type II facilities registered during the  
121 most recent calendar year, the names and addresses of the  
122 facilities, and the name of each facility's administrator, ~~and~~

123 (b) The total number of children served by each facility  
124 during the calendar year.

125 (c) The average length of stay for children at a Type II  
126 facility.

127 (d) The number of violations pursuant to paragraph (10) (a)  
128 by a Type II facility.



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129 (e) A list of persons or facilities, including their  
130 addresses, which applied for registration pursuant to this  
131 section and were denied or withdrew the request.

132  
133 The department may impose an administrative fine against the  
134 qualified association not to exceed \$250 per violation for  
135 failure to comply with the requirements of this subsection.

136 (f) The department may adopt rules necessary to implement  
137 this subsection.

138 Section 3. This act shall take effect July 1, 2013.

139  
140 ===== T I T L E A M E N D M E N T =====

141 And the title is amended as follows:

142 Delete everything before the enacting clause  
143 and insert:

144 A bill to be entitled  
145 An act relating to residential services for children;  
146 amending s. 409.175, F.S.; revising the definition of  
147 the term "boarding school"; providing accreditation  
148 requirements for boarding schools; establishing  
149 reporting requirements for boarding schools during the  
150 accreditation process; providing an exemption for the  
151 reporting requirements; authorizing the Department of  
152 Children and Families to impose administrative  
153 sanctions or civil remedies when residential group  
154 care is being provided without a license; requiring  
155 background screening for certain boarding school  
156 personnel; defining the term "direct student contact";  
157 requiring boarding schools to follow standard school



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158 schedules, holiday breaks, and summer recesses;  
159 providing that children other than foreign citizens  
160 may not be year-round residents; amending s. 409.176,  
161 F.S.; providing notification requirements for  
162 qualified associations for specified violations;  
163 providing reporting requirements for the qualified  
164 association regarding Type II facilities; authorizing  
165 the Department of Children and Families to adopt  
166 rules; providing an effective date.