

By the Committee on Children, Families, and Elder Affairs; and  
Senator Joyner

586-03370-13

20131682c1

1 A bill to be entitled

2 An act relating to residential services for children;  
3 amending s. 409.175, F.S.; revising the definition of  
4 the term "boarding school"; providing accreditation  
5 requirements for boarding schools; establishing  
6 reporting requirements for boarding schools during the  
7 accreditation process; providing an exemption for the  
8 reporting requirements; authorizing the Department of  
9 Children and Families to impose administrative  
10 sanctions or civil remedies when residential group  
11 care is being provided without a license; requiring  
12 background screening for certain boarding school  
13 personnel; defining the term "direct student contact";  
14 requiring boarding schools to follow standard school  
15 schedules, holiday breaks, and summer recesses;  
16 providing that children other than foreign citizens  
17 may not be year-round residents; amending s. 409.176,  
18 F.S.; providing notification requirements for  
19 qualified associations for specified violations;  
20 providing reporting requirements for the qualified  
21 association regarding Type II facilities; authorizing  
22 the Department of Children and Families to adopt  
23 rules; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Paragraph (b) of subsection (2) of section  
28 409.175, Florida Statutes, is amended, and subsection (17) is  
29 added to that section, to read:

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30 409.175 Licensure of family foster homes, residential  
31 child-caring agencies, and child-placing agencies; public  
32 records exemption.—

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

34 (b) "Boarding school" means a school that ~~which~~ is  
35 registered with the Department of Education as a school that  
36 provides a residential service for students and is:

37 1. Accredited for academic programs by the Florida Council  
38 of Independent Schools or the Southern Association of Colleges  
39 and Schools an accrediting association that is a member of the  
40 National Council for Private School Accreditation, or the  
41 Florida Association of Academic Nonpublic Schools, and; ~~which is~~  
42 ~~accredited for residential programs by the Council on~~  
43 ~~Accreditation, the Commission on Accreditation of Rehabilitation~~  
44 ~~Facilities, or the Coalition for Residential Education; or~~

45 2. Accredited by one of the organizations in subparagraph  
46 1. as a boarding school that includes both an academic and  
47 residential component in the accreditation. ~~and which is~~  
48 ~~registered with the Department of Education as a school. Its~~  
49 ~~program must follow established school schedules, with holiday~~  
50 ~~breaks and summer recesses in accordance with other public and~~  
51 ~~private school programs. The children in residence must~~  
52 ~~customarily return to their family homes or legal guardians~~  
53 ~~during school breaks and must not be in residence year-round,~~  
54 ~~except that this provision does not apply to foreign students.~~  
55 ~~The parents of these children retain custody and planning and~~  
56 ~~financial responsibility. A boarding school currently in~~  
57 ~~existence and a boarding school opening and seeking~~  
58 ~~accreditation have 3 years to comply with the requirements of~~

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59 ~~this paragraph. A boarding school must provide proof of~~  
60 ~~accreditation or documentation of the accreditation process upon~~  
61 ~~request. A boarding school that cannot produce the required~~  
62 ~~documentation or that has not registered with the Department of~~  
63 ~~Education shall be considered to be providing residential group~~  
64 ~~care without a license. The department may impose administrative~~  
65 ~~sanctions or seek civil remedies as provided under paragraph~~  
66 ~~(11)(a).~~

67 (17) Boarding schools are subject to the following  
68 requirements:

69 (a) A boarding school currently in existence, or a new  
70 boarding school that is seeking accreditation, must complete the  
71 accreditation requirements pursuant to paragraph (2)(b) within 3  
72 years after the date it registers with the Department of  
73 Education.

74 (b) A boarding school must provide to the Department of  
75 Education and the department, letters that verify application  
76 for accreditation no later than 270 days after registration. The  
77 letters must be provided by an accrediting agency described in  
78 subparagraph (2)(b)1. or subparagraph (2)(b)2. Effective July 1,  
79 2013, the Department of Education shall remove from the registry  
80 and the website any boarding school that has not completed the  
81 accreditation requirements of paragraph (2)(b) or has not  
82 provided the required verification letters.

83 (c) A boarding school must provide proof of accreditation  
84 or documentation of the accreditation process upon request by  
85 the department. The school must provide an annual report to the  
86 department on the status of achieving the accreditation required  
87 in paragraph (2)(b). The first report is due 12 months after the

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88 date of registration with the Department of Education. Boarding  
89 schools that have obtained the accreditations required under  
90 paragraph (2) (b) are not subject to the reporting requirements  
91 in this subsection.

92 (d) A boarding school that cannot produce the required  
93 documentation in accordance with this subsection or that has not  
94 registered with the Department of Education or has not obtained  
95 all required accreditation in accordance with paragraph (2) (b),  
96 shall be considered to be providing residential group care  
97 without a license. The department may impose administrative  
98 sanctions or seek civil remedies as provided under paragraph  
99 (11) (a).

100 (e) The boarding school must require employees and  
101 contracted personnel with direct student contact to be  
102 background screened upon employment. The term "direct student  
103 contact" means unsupervised access to a student for whom the  
104 boarding school is responsible. The screening shall be conducted  
105 as provided in chapter 435, using the level 2 standards for  
106 screening set forth in that chapter. The department may grant  
107 exemptions from disqualification from working with children as  
108 provided in s. 435.07.

109 (f) The boarding school shall follow established school  
110 schedules and shall specify holiday breaks and summer recesses  
111 in accordance with other public and private school programs. The  
112 children in residence must customarily return to their family  
113 homes or legal guardians during school breaks and, with the  
114 exception of students who are citizens of foreign countries, may  
115 not be in residence year-round. The parents of children  
116 attending a boarding school retain custody of their children and

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117 responsibility for planning and finances.

118 Section 2. Paragraphs (a) and (b) of subsection (10) and  
119 subsection (15) of section 409.176, Florida Statutes, are  
120 amended to read:

121 409.176 Registration of residential child-caring agencies  
122 and family foster homes.—

123 (10) (a) The qualified association shall notify the  
124 department within 24 hours when the qualified association finds  
125 there is a violation of any of the provisions of this section  
126 which threatens harm to any child or which constitutes an  
127 emergency requiring immediate action.

128 (b) The qualified association shall notify the department  
129 within 3 calendar days when the qualified association finds,  
130 ~~within 30 days after written notification by registered mail of~~  
131 ~~the requirement for registration,~~ that a person or facility  
132 continues to care for children without a certificate of  
133 registration pursuant to this section, a license pursuant to s.  
134 409.175, or registration as a boarding school pursuant to s  
135 409.175. The department shall notify the appropriate state  
136 attorney of the violation of law and, if necessary, shall  
137 institute a civil suit to enjoin the person or facility from  
138 continuing the care of children.

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

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

145 (b) The total number of children served by each facility

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146 during the calendar year.

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

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

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

154  
155 The department may impose an administrative fine against the  
156 qualified association not to exceed \$250 per violation for  
157 failure to comply with the requirements of this subsection.

158 (f) The department may adopt rules necessary to implement  
159 this subsection.

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