

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee
 3 Representative Perry offered the following:

Amendment (with title amendment)

Remove 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 registered with the Department of Education as a school which provides a residential service for students, and is either:

1. Accredited for academic programs by the Florida Council of Independent Schools, or the Southern Association of Colleges and Schools, an accrediting association that is a member of the National Council for Private School Accreditation, or an

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21 accrediting association that is a member of the Florida
22 Association of Academic Nonpublic Schools, ~~and which is~~
23 accredited for residential programs by the Council on
24 Accreditation, the Commission on Accreditation of Rehabilitation
25 Facilities, or the Coalition for Residential Education~~, and or~~
26 2. accredited by one of the organizations in (b)1 as a
27 boarding school which includes both an academic and residential
28 component in the accreditation. ~~which is registered with the~~
29 ~~Department of Education as a school. Its program must follow~~
30 ~~established school schedules, with holiday breaks and summer~~
31 ~~recesses in accordance with other public and private school~~
32 ~~programs. The children in residence must customarily return to~~
33 ~~their family homes or legal guardians during school breaks and~~
34 ~~must not be in residence year-round, except that this provision~~
35 ~~does not apply to foreign students. The parents of these~~
36 ~~children retain custody and planning and financial~~
37 ~~responsibility. A boarding school currently in existence and a~~
38 ~~boarding school opening and seeking accreditation have 3 years~~
39 ~~to comply with the requirements of this paragraph. A boarding~~
40 ~~school must provide proof of accreditation or documentation of~~
41 ~~the accreditation process upon request. A boarding school that~~
42 ~~cannot produce the required documentation or that has not~~
43 ~~registered with the Department of Education shall be considered~~
44 ~~to be providing residential group care without a license. The~~
45 ~~department may impose administrative sanctions or seek civil~~
46 ~~remedies as provided under paragraph (11)(a).~~

47 (17) Boarding schools are subject to the following
48 requirements:

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49 (a) A boarding school currently in existence or a boarding
50 school opening and seeking accreditation has 3 years after the
51 date of registration with the Department of Education to
52 complete the accreditation requirements of paragraph (2)(b).

53 (b) Effective July 1, 2013, the Department of Education
54 shall remove from registration and its website any boarding
55 school that has not completed the accreditation requirements of
56 paragraph (2)(b) or has not provided to the department letters
57 verifying that boarding school's application for accreditation
58 within 270 days after registration. Those verification letters
59 must be provided by an accrediting agency from (2)(b)1. or (2)
60 (b)2.

61 (c) A boarding school must provide proof of accreditation
62 or documentation of the accreditation process upon request by
63 the department. The boarding school must provide an annual
64 report to the department on its accreditation status pursuant to
65 paragraph (2)(b). The first report is due 1 year after the date
66 the boarding school registered with the Department of Education.
67 A boarding school that has been accredited pursuant to paragraph
68 (2)(b) is not subject to the reporting requirements required
69 under this subsection.

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

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77 (e) A boarding school shall require employees and
78 contracted personnel with direct student contact upon employment
79 to undergo level 2 background screening pursuant to chapter 435.
80 "Direct student contact" means unsupervised access to a student
81 for whom the boarding school is responsible. The department may
82 grant exemptions from disqualification from working with
83 children as provided in s. 435.07.

84 (f) A boarding school shall follow established school
85 schedules and provide holiday breaks and summer recesses
86 provided by other public and private school programs. The
87 students in residence must customarily return to their family
88 homes or legal guardians during school breaks and, with the
89 exception of students who are citizens of foreign countries,
90 must not be in residence year-round. The parents of a child
91 attending a boarding school shall retain custody of and planning
92 and financial responsibility for their child.

93 Section 2. Subsections (10) and (15) of section 409.176,
94 Florida Statutes, are amended to read:

95 409.176 Registration of residential child-caring agencies
96 and family foster homes.—

97 (10) (a) The qualified association shall notify the
98 department within 24 hours after ~~when~~ the qualified association
99 finds there is a violation of any of the provisions of this
100 section which threatens harm to any child or which constitutes
101 an emergency requiring immediate action.

102 (b) The qualified association shall notify the department
103 within 3 calendar days after ~~when~~ the qualified association
104 finds, ~~within 30 days after written notification by registered~~

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105 ~~mail of the requirement for registration,~~ that a person or
106 facility continues to care for children without a certificate of
107 registration issued pursuant to this section, a license pursuant
108 to s. 409.175, or registration as a boarding school pursuant to
109 s. 409.175. The department shall notify the appropriate state
110 attorney of the violation of law and, if necessary, shall
111 institute a civil suit to enjoin the person or facility from
112 continuing the care of children.

113 (c) The department may institute injunctive proceedings in
114 a court of competent jurisdiction to:

- 115 1. Enforce the provisions of this section; or
116 2. Terminate the operation of a facility in which any of
117 the conditions described in paragraph (a) or paragraph (b)
118 exist.

119
120 Such injunctive relief may be temporary or permanent.

121 (15) The qualified association issuing certificates of
122 registration for Type II facilities under this section shall
123 annually report to the department the following information:

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

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

129
130 The department may impose an administrative fine against the
131 qualified association not to exceed \$250 per violation for
132 failure to comply with the requirements of this section.

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133 Section 3. This act shall take effect July 1, 2013.
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138 **T I T L E A M E N D M E N T**

139 Remove everything before the enacting clause and insert:

140 An act relating to residential services for children; amending
141 s. 409.175, F.S.; providing accreditation requirements for
142 boarding schools; establishing reporting requirements for
143 boarding schools during the accreditation process; authorizing
144 the Department of Children and Families to impose administrative
145 sanctions or civil remedies when residential group care is
146 provided without a license; requiring background screening for
147 boarding school personnel; requiring boarding schools to follow
148 standard school schedules, holiday breaks, and summer recesses;
149 revising residency requirements; amending s. 409.176, F.S.;
150 requiring notification of qualified associations for specified
151 violations; providing for fines; providing an effective date.