

1 A bill to be entitled
 2 An act relating to residential services for children;
 3 amending s. 409.175, F.S.; providing accreditation
 4 requirements for boarding schools; establishing
 5 reporting requirements for boarding schools during the
 6 accreditation process; authorizing the Department of
 7 Children and Families to impose administrative
 8 sanctions or civil remedies when residential group
 9 care is provided without a license; requiring
 10 background screening for boarding school personnel;
 11 requiring boarding schools to follow standard school
 12 schedules, holiday breaks, and summer recesses;
 13 revising residency requirements; amending s. 409.176,
 14 F.S.; requiring notification of qualified associations
 15 for specified violations; providing reporting
 16 requirements for the qualified association regarding
 17 Type II facilities; providing for fines; providing the
 18 department with rulemaking authority; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Paragraph (b) of subsection (2) of section
 24 409.175, Florida Statutes, is amended, and subsection (17) is
 25 added to that section, to read:

26 409.175 Licensure of family foster homes, residential
 27 child-caring agencies, and child-placing agencies; public
 28 records exemption.—

29 (2) As used in this section, the term:
 30 (b) "Boarding school" means a school that ~~which~~ is:
 31 1. Accredited for academic programs by the Florida Council
 32 of Independent Schools, ~~or~~ the Southern Association of Colleges
 33 and Schools, or by an accrediting association that is a member
 34 of the National Council for Private School Accreditation or the
 35 Florida Association of Academic Nonpublic Schools;
 36 2. ~~which is~~ Accredited for residential programs by the
 37 Council on Accreditation, the Commission on Accreditation of
 38 Rehabilitation Facilities, or the Coalition for Residential
 39 Education; and
 40 3. ~~which is~~ Registered with the Department of Education as
 41 a school that provides a residential service for students. ~~Its~~
 42 ~~program must follow established school schedules, with holiday~~
 43 ~~breaks and summer recesses in accordance with other public and~~
 44 ~~private school programs. The children in residence must~~
 45 ~~customarily return to their family homes or legal guardians~~
 46 ~~during school breaks and must not be in residence year-round,~~
 47 ~~except that this provision does not apply to foreign students.~~
 48 ~~The parents of these children retain custody and planning and~~
 49 ~~financial responsibility. A boarding school currently in~~
 50 ~~existence and a boarding school opening and seeking~~
 51 ~~accreditation have 3 years to comply with the requirements of~~
 52 ~~this paragraph. A boarding school must provide proof of~~
 53 ~~accreditation or documentation of the accreditation process upon~~
 54 ~~request. A boarding school that cannot produce the required~~
 55 ~~documentation or that has not registered with the Department of~~
 56 ~~Education shall be considered to be providing residential group~~

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57 ~~care without a license. The department may impose administrative~~
58 ~~sanctions or seek civil remedies as provided under paragraph~~
59 ~~(11) (a).~~

60 (17) Boarding schools are subject to the following
61 requirements:

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

66 (b) Effective July 1, 2013, the Department of Education
67 shall remove from registration and its website any boarding
68 school that has not completed the accreditation requirements of
69 paragraph (2) (b) or has not provided to the department letters
70 verifying that boarding school's application for accreditation
71 within 270 days after registration. Those verification letters
72 must be provided by an accrediting agency designated under
73 subparagraphs (2) (b) 1. and 2.

74 (c) A boarding school must provide proof of accreditation
75 or documentation of the accreditation process upon request by
76 the department. The boarding school must provide an annual
77 report to the department on its accreditation status pursuant to
78 paragraph (2) (b). The first report is due 1 year after the date
79 the boarding school registered with the Department of Education.
80 A boarding school that has been accredited pursuant to paragraph
81 (2) (b) is not subject to the reporting requirements required
82 under this subsection.

83 (d) A boarding school that cannot produce the required
84 documentation in accordance with this subsection, is not

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85 registered with the Department of Education, or has not obtained
86 the accreditation required under paragraph (2)(b) shall be
87 considered to be providing residential group care without a
88 license. The department may impose administrative sanctions or
89 seek civil remedies as provided under paragraph (11)(a).

90 (e) A boarding school shall require employees and
91 contracted personnel with direct student contact upon employment
92 to undergo level 2 background screening pursuant to chapter 435.
93 "Direct student contact" means unsupervised access to a student
94 for whom the boarding school is responsible. The department may
95 grant exemptions from disqualification from working with
96 children as provided in s. 435.07.

97 (f) A boarding school shall follow established school
98 schedules and provide holiday breaks and summer recesses
99 provided by other public and private school programs. The
100 students in residence must customarily return to their family
101 homes or legal guardians during school breaks and must not be in
102 residence year-round. This section does not apply to students
103 who are citizens of foreign countries. The parents of a child
104 attending a boarding school shall retain custody of and planning
105 and financial responsibility for their child.

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

108 409.176 Registration of residential child-caring agencies
109 and family foster homes.—

110 (10)(a) The qualified association shall notify the
111 department within 24 hours after ~~when~~ the qualified association
112 finds there is a violation of any of the provisions of this

113 section which threatens harm to any child or which constitutes
 114 an emergency requiring immediate action.

115 (b) The qualified association shall notify the department
 116 within 3 calendar days after ~~when~~ the qualified association
 117 finds, ~~within 30 days after written notification by registered~~
 118 ~~mail of the requirement for registration,~~ that a person or
 119 facility continues to care for children without a certificate of
 120 registration issued pursuant to this section, a license pursuant
 121 to s. 409.175, or registration as a boarding school pursuant to
 122 s. 409.175. The department shall notify the appropriate state
 123 attorney of the violation of law and, if necessary, shall
 124 institute a civil suit to enjoin the person or facility from
 125 continuing the care of children.

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

- 128 1. Enforce the provisions of this section; or
- 129 2. Terminate the operation of a facility in which any of
- 130 the conditions described in paragraph (a) or paragraph (b)
- 131 exist.

132
 133 Such injunctive relief may be temporary or permanent.

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

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

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

141 during the calendar year.

142 (c) The average length of stay for children in a Type II
 143 facility.

144 (d) The number of violations committed under paragraph
 145 (10)(a) by a Type II facility.

146 (e) A list of persons or facilities, including the
 147 address, that applied for registration pursuant to this section
 148 and were denied or withdrew the request.

149 (f) The department may adopt rules to implement this
 150 subsection.

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

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