

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; authorizing the Department of
 8 Children and Families to impose administrative
 9 sanctions or civil remedies when residential group
 10 care is provided without a license; requiring
 11 background screening for boarding school personnel;
 12 requiring boarding schools to follow standard school
 13 schedules, holiday breaks, and summer recesses;
 14 revising residency requirements; amending s. 409.176,
 15 F.S.; requiring notification of qualified associations
 16 for specified violations; providing for fines;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Paragraph (b) of subsection (2) of section
 22 409.175, Florida Statutes, is amended, and subsection (17) is
 23 added to that section, to read:

24 409.175 Licensure of family foster homes, residential
 25 child-caring agencies, and child-placing agencies; public
 26 records exemption.—

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

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

56 ~~request. A boarding school that cannot produce the required~~
57 ~~documentation or that has not registered with the Department of~~
58 ~~Education shall be considered to be providing residential group~~
59 ~~care without a license. The department may impose administrative~~
60 ~~sanctions or seek civil remedies as provided under paragraph~~
61 ~~(11)(a).~~

62 (17) Boarding schools are subject to the following
63 requirements:

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

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

76 (c) A boarding school must provide proof of accreditation
77 or documentation of the accreditation process upon request by
78 the department. The boarding school must provide an annual
79 report to the department regarding its accreditation status
80 pursuant to paragraph (2)(b). The first report is due 1 year
81 after the date the boarding school registered with the
82 Department of Education. A boarding school that has been

83 accredited pursuant to paragraph (2) (b) is not subject to the
84 reporting requirements required under this subsection.

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

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

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

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

110 409.176 Registration of residential child-caring agencies
 111 and family foster homes.—

112 (10) (a) The qualified association shall notify the
 113 department within 24 hours after ~~when~~ the qualified association
 114 finds there is a violation of any of the provisions of this
 115 section which threatens harm to any child or which constitutes
 116 an emergency requiring immediate action.

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

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

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

134
 135 Such injunctive relief may be temporary or permanent.

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

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

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

144

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

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