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CS/HB 7129, Engrossed 1

2013 Legislature

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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 for appropriations from general revenue
18 funds to the Department of Health for certain health
19 programs benefitting children; amending s. 39.201,
20 F.S.; limiting the duty of an officer or employee of a
21 law enforcement agency to provide notice to the
22 Department of Children and Families of reasonable
23 cause to suspect child abuse under certain
24 circumstances; limiting the duty of the Central Abuse
25 Hotline to electronically transfer certain calls and
26 reports to the county sheriff's office under certain
27 circumstances; providing applicability; providing an
28 effective date.



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

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 that provides a residential service for students and that 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 accrediting association that is a member of the Florida Association of Academic Nonpublic Schools, and that, which is accredited for residential programs by the Council on Accreditation, the Commission on Accreditation of Rehabilitation Facilities, or the Coalition for Residential Education; or and

2. Accredited by one of the organizations specified in subparagraph 1. as a boarding school that includes both an academic and residential component in its accreditation which is registered with the Department of Education as a school. Its program must follow established school schedules, with holiday breaks and summer recesses in accordance with other public and

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57 ~~private school programs. The children in residence must~~
58 ~~customarily return to their family homes or legal guardians~~
59 ~~during school breaks and must not be in residence year-round,~~
60 ~~except that this provision does not apply to foreign students.~~
61 ~~The parents of these children retain custody and planning and~~
62 ~~financial responsibility. A boarding school currently in~~
63 ~~existence and a boarding school opening and seeking~~
64 ~~accreditation have 3 years to comply with the requirements of~~
65 ~~this paragraph. A boarding school must provide proof of~~
66 ~~accreditation or documentation of the accreditation process upon~~
67 ~~request. A boarding school that cannot produce the required~~
68 ~~documentation or that has not registered with the Department of~~
69 ~~Education shall be considered to be providing residential group~~
70 ~~care without a license. The department may impose administrative~~
71 ~~sanctions or seek civil remedies as provided under paragraph~~
72 ~~(11)(a).~~

73 (17) Boarding schools are subject to the following
74 requirements:

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

79 (b) Effective July 1, 2013, the Department of Education
80 shall remove from registration and its website any boarding
81 school that has not completed the accreditation requirements of
82 paragraph (2)(b) or has not provided to the department letters
83 verifying that boarding school's application for accreditation
84 within 270 days after registration. Those verification letters



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85 must be provided by an accrediting agency pursuant to paragraph
86 (2) (b) .

87 (c) A boarding school must provide proof of accreditation
88 or documentation of the accreditation process upon request by
89 the department. The boarding school must provide an annual
90 report to the department regarding its accreditation status
91 pursuant to paragraph (2) (b) . The first report is due 1 year
92 after the date the boarding school registered with the
93 Department of Education. A boarding school that has been
94 accredited pursuant to paragraph (2) (b) is not subject to the
95 reporting requirements required under this subsection.

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

103 (e) A boarding school shall require employees and
104 contracted personnel with direct student contact upon employment
105 to undergo level 2 background screening pursuant to chapter 435.
106 The term "direct student contact" means unsupervised access to a
107 student for whom the boarding school is responsible. The
108 department may grant exemptions from disqualification from
109 working with children as provided in s. 435.07.

110 (f) A boarding school shall follow established school
111 schedules and provide holiday breaks and summer recesses
112 provided by other public and private school programs. The



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113 students in residence must customarily return to their family
 114 homes or legal guardians during school breaks and, except for
 115 students who are citizens of foreign countries, must not be in
 116 residence year-round. The parents of a child attending a
 117 boarding school shall retain custody of and planning and
 118 financial responsibility for their child.

119 Section 2. Subsections (10) and (15) of section 409.176,
 120 Florida Statutes, are 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 after ~~when~~ the qualified association
 125 finds there is a violation of any of the provisions of this
 126 section which threatens harm to any child or which constitutes
 127 an emergency requiring immediate action.

128 (b) The qualified association shall notify the department
 129 within 3 calendar days after ~~when~~ the qualified association
 130 finds, ~~within 30 days after written notification by registered~~
 131 ~~mail of the requirement for registration,~~ that a person or
 132 facility continues to care for children without a certificate of
 133 registration issued pursuant to this section, a license pursuant
 134 to s. 409.175, or registration as a boarding school pursuant to
 135 s. 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 (c) The department may institute injunctive proceedings in
 140 a court of competent jurisdiction to:



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- 141 1. Enforce the provisions of this section; or
 142 2. Terminate the operation of a facility in which any of
 143 the conditions described in paragraph (a) or paragraph (b)
 144 exist.

145
 146 Such injunctive relief may be temporary or permanent.

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

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

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

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

159 Section 3. (1) The sum of \$3,000,000 in recurring general
 160 revenue funds is appropriated to the Department of Health
 161 beginning in the 2013-2014 fiscal year to provide for a rural
 162 primary care residency program at Sacred Heart Hospital to
 163 include family physicians and pediatricians.

164 (2) The sum of \$250,000 in nonrecurring general revenue
 165 funds is appropriated to the Department of Health in the 2013-
 166 2014 fiscal year for A Safe Haven for Newborns.

167 (3) The sum of \$200,000 in nonrecurring general revenue
 168 funds is appropriated to the Department of Health in the 2013-



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169 2014 fiscal year for St. John Bosco Clinic.

170 Section 4. Paragraph (h) is added to subsection (1) of
 171 section 39.201, Florida Statutes, to read:

172 39.201 Mandatory reports of child abuse, abandonment, or
 173 neglect; mandatory reports of death; central abuse hotline.—

174 (1)

175 (h) An officer or employee of a law enforcement agency is
 176 not required to provide notice to the department of reasonable
 177 cause to suspect child abuse by an adult other than a parent,
 178 legal custodian, caregiver, or other person responsible for the
 179 child's welfare when the incident under investigation by the law
 180 enforcement agency was reported to law enforcement by the
 181 Central Abuse Hotline through the electronic transfer of the
 182 report or call. The department's Central Abuse Hotline is not
 183 required to electronically transfer calls and reports received
 184 pursuant to paragraph (2) (b) to the county sheriff's office if
 185 the matter was initially reported to the department by the
 186 county sheriff's office or another law enforcement agency. This
 187 paragraph applies only when the information related to the
 188 alleged child abuse has been provided to the officer or employee
 189 of a law enforcement agency or Central Abuse Hotline employee in
 190 the course of carrying out his or her official duties.

191 Section 5. This act shall take effect July 1, 2013.