

## CHAPTER 2013-219

### Committee Substitute for House Bill No. 7129

An act relating to residential services for children; amending s. 409.175, F.S.; revising the definition of the term “boarding school”; providing accreditation requirements for boarding schools; establishing reporting requirements for boarding schools during the accreditation process; authorizing the Department of Children and Families to impose administrative sanctions or civil remedies when residential group care is provided without a license; requiring background screening for boarding school personnel; requiring boarding schools to follow standard school schedules, holiday breaks, and summer recesses; revising residency requirements; amending s. 409.176, F.S.; requiring notification of qualified associations for specified violations; providing for fines; providing for appropriations from general revenue funds to the Department of Health for certain health programs benefitting children; amending s. 39.201, F.S.; limiting the duty of an officer or employee of a law enforcement agency to provide notice to the Department of Children and Families of reasonable cause to suspect child abuse under certain circumstances; limiting the duty of the Central Abuse Hotline to electronically transfer certain calls and reports to the county sheriff’s office under certain circumstances; providing applicability; providing an effective date.

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

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

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

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

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

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

(e) A boarding school shall require employees and contracted personnel with direct student contact upon employment to undergo level 2 background screening pursuant to chapter 435. The term "direct student contact" means

unsupervised access to a student for whom the boarding school is responsible. The department may grant exemptions from disqualification from working with children as provided in s. 435.07.

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

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

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

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

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

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

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

Such injunctive relief may be temporary or permanent.

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

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

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

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

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

*[Section 3(1), ch. 2013-219, was vetoed by the Governor.]*

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

(3) The sum of \$200,000 in nonrecurring general revenue funds is appropriated to the Department of Health in the 2013-2014 fiscal year for St. John Bosco Clinic.

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

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

(1)

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

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

Approved by the Governor June 14, 2013.

Filed in Office Secretary of State June 14, 2013.