

By Senator Lynn

7-68-04

1 A bill to be entitled
2 An act relating to religious-exempt child care
3 programs; amending s. 402.316, F.S.; providing
4 for a child care program affiliated with a
5 church, temple, or parochial school to be
6 exempt from regulation by the department as a
7 religious-exempt child care program; requiring
8 religious-exempt child care programs to display
9 a certificate of compliance issued by an
10 accrediting agency recognized by the
11 department; providing requirements for
12 accrediting agencies recognized by the
13 department; requiring a recognized accrediting
14 agency to conduct an initial on-site review;
15 providing timeframes within which child care
16 programs must meet the requirements for
17 training and credentials; requiring recognized
18 accrediting agencies for religious exemption to
19 submit standards to the department; requiring
20 the department to create and maintain a list of
21 recognized accrediting agencies; providing that
22 the act does not authorize the department to
23 regulate the curriculum, discipline, or hiring
24 practices of a religious-exempt child care
25 program; requiring that the department notify
26 recognized accrediting agencies of any revision
27 in standards; requiring that a recognized
28 accrediting agency submit an annual report;
29 providing timeframes within which an exempt
30 child care program must notify an accrediting
31 agency of its transfer and termination of

1 accreditation; prohibiting a recognized
2 accrediting agency for religious exemption from
3 owning, operating, or administering certain
4 programs; requiring the department to
5 facilitate an annual meeting; providing an
6 effective date.

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

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10 Section 1. Section 402.316, Florida Statutes, is
11 amended to read:

12 (Substantial rewording of section. See
13 s. 402.316, F.S., for present text.)

14 402.316 Exemption for child care program or weekday
15 preschool program accredited by a recognized accrediting
16 agency for religious exemption.--

17 (1) A child care program or weekday preschool program
18 qualifies for the exemption provided in this section if the
19 program is an integral part of an established church, temple,
20 or parochial school conducting regularly scheduled classes,
21 courses of study, or educational programs, and is a member or
22 participant of, or accredited by, a state, regional, or
23 national accrediting agency for religious exemption which is
24 recognized by the Department of Children and Family Services.
25 A child care program or weekday preschool program that
26 qualifies as a religious-exempt child care program may choose
27 to be exempt from the requirements for child care licensing
28 established in ss. 402.301-402.319 or may voluntarily be
29 licensed under ss. 402.301-402.319. If a religious-exempt
30 child care program chooses to be exempt from the requirements
31 of ss. 402.301-402.319, the program must display its

1 certificate of compliance issued by a recognized accrediting
2 agency for religious exemption in a conspicuous location in
3 the facility. Failure to post the certificate of compliance in
4 a conspicuous location will result in an administrative action
5 as determined by the standards of the program's accrediting
6 agency for religious exemption.

7 (2) The department shall verify an accrediting agency
8 as a recognized accrediting agency for religious exemption if
9 the accrediting agency:

10 (a) Adopts minimum standards for operating a child
11 care program or weekday preschool program which meet or exceed
12 the department's minimum standards set forth in s. 402.305
13 (1)-(11), (13), (15), and (16);

14 (b) Publishes its minimum standards and requires a
15 child care program or weekday preschool program that is a
16 member or participant of, or accredited by, the agency to
17 comply with the accrediting agency's minimum standards;

18 (c) Requires a program that is a member or participant
19 of, or accredited by, the agency to meet the minimum
20 requirements of the local governing body with respect to
21 health, sanitation, and safety, including, but not limited to,
22 minimum requirements for environmental health, firesafety,
23 zoning, and building codes;

24 (d) Requires a program that is a member or participant
25 of, or accredited by, the agency to inform parents that the
26 program is exempt from state licensing requirements but meets
27 the standards of the program's accrediting agency, which meet
28 or exceed the department's minimum standards;

29 (e) Conducts an initial on-site review of each program
30 that is a member or participant of, or accredited by, the
31 agency. Each year thereafter, a notarized statement must be

1 submitted to the accrediting agency by each program verifying
2 compliance with applicable state laws and the accrediting
3 agency's published minimum standards; and
4 (f) Requires child care personnel employed by a
5 program that is a member or participant of, or accredited by,
6 the agency to comply with standards that meet or exceed the
7 standards set forth in s. 402.305(2)(d). A recognized
8 accrediting agency for religious exemption must require child
9 care personnel to begin a 40-clock-hour introductory course in
10 child care, approved by the department, by October 1, 2004, or
11 within 90 days after employment and complete the training
12 within 1 year after the date on which the training begins. In
13 addition, a recognized accrediting agency shall require a
14 program that is a member or participant of, or accredited by,
15 the agency to meet or exceed the requirements for staff
16 credentials set forth in s. 402.305(3) by July 1, 2008. The
17 department and accrediting agencies for religious exemption
18 shall work collaboratively to expedite the approval of
19 equivalency programs developed by the accrediting agencies.
20 (3) Each accrediting agency for religious exemption
21 that seeks recognition by the department under this section
22 must submit a copy of its published standards to the
23 department for review. These standards shall be reviewed by
24 the department within 30 days after submission. The department
25 shall recognize an accrediting agency if the agency's
26 standards meet or exceed the minimum standards set forth in s.
27 402.305 (1)-(11), (13), (15), and (16). The department shall
28 create and maintain a complete and accurate list of all
29 recognized accrediting agencies for religious exemption and
30 specify the agencies' standards.
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1 (4) This section does not authorize the department to
2 regulate or control an accrediting agency for religious
3 exemption or to regulate or control the governance, religious
4 curriculum, discipline, or hiring practices of any
5 religious-exempt child care program.

6 (5) The department shall distribute to each recognized
7 accrediting agency for religious exemption any revision made
8 to the department's minimum standards within 30 days after the
9 revision is adopted. Within 30 days after the receipt of
10 revised minimum standards from the department, each recognized
11 accrediting agency for religious exemption shall notify the
12 department by written statement documenting that they have
13 notified each exempt program of the revised standards. The new
14 standards shall be incorporated during the next revision of
15 the accrediting agency's minimum standards. Each recognized
16 accrediting agency for religious exemption shall maintain and
17 submit to the department an annual report that includes an
18 updated listing of programs that are members or participants
19 of, or accredited by, that agency and submit a written notice
20 of a new program coming into affiliation thereafter, or
21 terminating affiliation, within 30 days after such action. A
22 religious-exempt child care program that transfers its
23 affiliation from one accrediting agency to another must notify
24 the accrediting agency from which it is transferring 30 days
25 in advance of the transfer.

26 (6) A recognized accrediting agency for religious
27 exemption may not own, operate, or administer a child care
28 program or weekday preschool program under its certificate of
29 approval. A child care program or weekday preschool program
30 exempt from ss. 402.301-402.319 under this section is solely
31 responsible for its day-to-day operations and compliance with

1 applicable state laws and the minimum standards of its
2 accrediting agency for religious exemption.

3 (7) The department shall facilitate an annual meeting
4 with the accrediting agencies for religious exemption, health
5 and safety officials, and other interested child advocates to
6 exchange ideas for ensuring the health and safety of children
7 in child care and preschool programs.

8 Section 2. This act shall take effect July 1, 2004.

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11 SENATE SUMMARY

12 Provides that a child care program affiliated with a
13 church, temple, or parochial school is exempt from
14 regulation by the department as a religious-exempt child
15 care program. Requires religious-exempt child care
16 programs to display a certificate of compliance issued by
17 an accrediting agency that is recognized by the
18 department. Establishes requirements for accrediting
19 agencies recognized by the department. Requires a
20 recognized accrediting agency to conduct an initial
21 on-site review. Establishes timeframes within which child
22 care programs must meet the requirements for training and
23 credentials. Requires accrediting agencies for religious
24 exemption to submit standards to the department. Requires
25 the department to create and maintain a list of
26 recognized accrediting agencies. Provides that the act
27 does not authorize the department to regulate the
28 curriculum, discipline, or hiring practices of a
29 religious-exempt child care program. Mandates the
30 department to notify recognized accrediting agencies of
31 any revision in standards. Requires that a recognized
accrediting agency submit an annual report. Establishes
timeframes within which an exempt child care program must
notify an accrediting agency of its transfer and
termination of accreditation. Prohibits a recognized
accrediting agency for religious exemption from owning,
operating, or administering certain programs. Requires
the department to facilitate an annual meeting.