

By the Committee on Children and Families; and Senator Lynn

300-1148-04

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 certain specified elements of a
24 religious-exempt child care program; requiring
25 that the department notify recognized
26 accrediting agencies of any revision in
27 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 meet the screening

1 requirements in ss. 402.305 and 402.3055 and must display its
2 certificate of compliance issued by a recognized accrediting
3 agency for religious exemption in a conspicuous location in
4 the facility. Failure to post the certificate of compliance in
5 a conspicuous location will result in an administrative action
6 as determined by the standards of the program's accrediting
7 agency for religious exemption.

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

11 (a) Adopts minimum standards for operating a child
12 care program or weekday preschool program which meet or exceed
13 the department's minimum standards set forth in s. 402.305
14 (1)-(11), (13), (15), and (16);

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

19 (c) Requires a program that is a member or participant
20 of, or accredited by, the agency to meet the minimum
21 requirements of the local governing body with respect to
22 health, sanitation, and safety, including minimum requirements
23 for environmental health, firesafety, zoning, and building
24 codes;

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

30 (e) Conducts an initial on-site review of each program
31 that is a member or participant of, or accredited by, the

1 agency. Each year thereafter, a notarized statement must be
2 submitted to the accrediting agency by each program verifying
3 compliance with applicable state laws and the accrediting
4 agency's published minimum standards; and

5 (f) Requires child care personnel employed by a
6 program that is a member or participant of, or accredited by,
7 the agency to comply with standards that meet or exceed the
8 standards set forth in s. 402.305(2)(d). A recognized
9 accrediting agency for religious exemption must require child
10 care personnel to begin a 40-clock-hour introductory course in
11 child care, approved by the department, by October 1, 2004, or
12 within 90 days after employment and complete the training
13 within 1 year after the date on which the training begins. In
14 addition, a recognized accrediting agency shall require a
15 program that is a member or participant of, or accredited by,
16 the agency to meet or exceed the requirements for staff
17 credentials set forth in s. 402.305(3) by July 1, 2008. The
18 department and accrediting agencies for religious exemption
19 shall work collaboratively to expedite the approval of
20 equivalency programs developed by the accrediting agencies.

21 (3) Each accrediting agency for religious exemption
22 that seeks recognition by the department under this section
23 must submit a copy of its published standards to the
24 department for review. These standards shall be reviewed by
25 the department within 30 days after submission. The department
26 shall recognize an accrediting agency if the agency is in
27 compliance with subsection (2). The department shall create
28 and maintain a complete and accurate list of all recognized
29 accrediting agencies for religious exemption and specify the
30 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, academic curriculum, testing or assessments,
5 evaluation procedures, academic requirements of the staff,
6 discipline, or hiring practices of any religious-exempt child
7 care program.

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

28 (6) A recognized accrediting agency for religious
29 exemption may not own, operate, or administer a child care
30 program or weekday preschool program under its certificate of
31 approval. A child care program or weekday preschool program

1 exempt from ss. 402.301-402.319 under this section is solely
2 responsible for its day-to-day operations and compliance with
3 applicable state laws and the minimum standards of its
4 accrediting agency for religious exemption.

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

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

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 158

- 15 * Retains from current law that religious-exempt child care
16 programs meet background screening requirements.
- 17 * Corrects an inconsistent reference to the provisions
18 which the accrediting agency is required to meet in order
19 to be recognized by the department for offering religious
20 exemption.
- 21 * Limits the local governing body health, sanitation, and
22 safety requirements that religious-exempt child care
23 programs must meet to the categories of requirements
24 stipulated in the section.
- 25 * Expands the aspects of the religious-exempt child care
26 programs' operation that the Department of Children and
27 Families may regulate or control.
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