

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 religious congregation or parochial school to
6 be exempt from regulation by the department as
7 a religious-exempt child care program;
8 requiring religious-exempt child care programs
9 to display a certificate of compliance issued
10 by an 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 religious
20 congregation or parochial school conducting regularly
21 scheduled classes, courses of study, or educational programs,
22 and is a member or participant of, or accredited by, a state,
23 regional, or national accrediting agency for religious
24 exemption which is recognized by the Department of Children
25 and Family Services. A child care program or weekday preschool
26 program that qualifies as a religious-exempt child care
27 program may choose to be exempt from the requirements for
28 child care licensing established in ss. 402.301-402.319 or may
29 voluntarily be licensed under ss. 402.301-402.319. If a
30 religious-exempt child care program chooses to be exempt from
31 the requirements of ss. 402.301-402.319, the program must meet

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

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

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

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

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

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

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1 (e) Conducts an initial on-site review of each program
2 that is a member or participant of, or accredited by, the
3 agency. Each year thereafter, a notarized statement must be
4 submitted to the accrediting agency by each program verifying
5 compliance with applicable state laws and the accrediting
6 agency's published minimum standards; and

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

23 (3) Each accrediting agency for religious exemption
24 that seeks recognition by the department under this section
25 must submit a copy of its published standards to the
26 department for review. These standards shall be reviewed by
27 the department within 30 days after submission. The department
28 shall recognize an accrediting agency if the agency is in
29 compliance with subsection (2). The department shall create
30 and maintain a complete and accurate list of all recognized
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1 accrediting agencies for religious exemption and specify the
2 agencies' standards.

3 (4) This section does not authorize the department to
4 regulate or control an accrediting agency for religious
5 exemption or to regulate or control the governance, religious
6 curriculum, academic curriculum, testing or assessments,
7 evaluation procedures, academic requirements of the staff,
8 discipline, or hiring practices of any religious-exempt child
9 care program.

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

30 (6) A recognized accrediting agency for religious
31 exemption may not own, operate, or administer a child care

1 program or weekday preschool program under its certificate of
2 approval. A child care program or weekday preschool program
3 exempt from ss. 402.301-402.319 under this section is solely
4 responsible for its day-to-day operations and compliance with
5 applicable state laws and the minimum standards of its
6 accrediting agency for religious exemption.

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

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

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