

HB 0957

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1 A bill to be entitled

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

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

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

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

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

(1) A child care program or weekday preschool program qualifies for the exemption provided in this section if the program is an integral part of an established church, temple, or parochial school conducting regularly scheduled classes, courses of study, or educational programs, and is a member or participant of, or accredited by, a state, regional, or national accrediting agency for religious exemption which is recognized by the Department of Children and Family Services. A child care program or weekday preschool program that qualifies as a religious-exempt child care program may choose to be exempt from the requirements for child care licensing established in ss. 402.301-402.319 or may voluntarily be licensed under ss. 402.301-402.319. If a religious-exempt child care program chooses to be exempt from the requirements of ss. 402.301-402.319, the program must meet the screening requirements in ss. 402.305 and 402.3055 and must display its certificate of compliance issued by a recognized accrediting agency for religious exemption in a conspicuous location in the facility. Failure to post the certificate of compliance in a conspicuous

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59 location will result in an administrative action as determined  
 60 by the standards of the program's accrediting agency for  
 61 religious exemption.

62 (2) The department shall verify an accrediting agency as a  
 63 recognized accrediting agency for religious exemption if the  
 64 accrediting agency:

65 (a) Adopts minimum standards for operating a child care  
 66 program or weekday preschool program which meet or exceed the  
 67 department's minimum standards set forth in s. 402.305(1)-(11),  
 68 (13), (15), and (16).

69 (b) Publishes its minimum standards and requires a child  
 70 care program or weekday preschool program that is a member or  
 71 participant of, or accredited by, the agency to comply with the  
 72 accrediting agency's minimum standards.

73 (c) Requires a program that is a member or participant of,  
 74 or accredited by, the agency to meet the minimum requirements of  
 75 the local governing body with respect to health, sanitation, and  
 76 safety, including minimum requirements for environmental health,  
 77 fire safety, zoning, and building codes.

78 (d) Requires a program that is a member or participant of,  
 79 or accredited by, the agency to inform parents that the program  
 80 is exempt from state licensing requirements but meets the  
 81 standards of the program's accrediting agency, which meet or  
 82 exceed the department's minimum standards.

83 (e) Conducts an initial on-site review of each program  
 84 that is a member or participant of, or accredited by, the  
 85 agency. Each year thereafter, a notarized statement must be  
 86 submitted to the accrediting agency by each program verifying

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87 compliance with applicable state laws and the accrediting  
 88 agency's published minimum standards.

89 (f) Requires child care personnel employed by a program  
 90 that is a member or participant of, or accredited by, the agency  
 91 to comply with standards that meet or exceed the standards set  
 92 forth in s. 402.305(2)(d). A recognized accrediting agency for  
 93 religious exemption must require child care personnel to begin a  
 94 40-clock-hour introductory course in child care, approved by the  
 95 department, by October 1, 2004, or within 90 days after  
 96 employment and complete the training within 1 year after the  
 97 date on which the training begins. In addition, a recognized  
 98 accrediting agency shall require a program that is a member or  
 99 participant of, or accredited by, the agency to meet or exceed  
 100 the requirements for staff credentials set forth in s.  
 101 402.305(3) by July 1, 2008. The department and accrediting  
 102 agencies for religious exemption shall work collaboratively to  
 103 expedite the approval of equivalency programs developed by the  
 104 accrediting agencies.

105 (3) Each accrediting agency for religious exemption that  
 106 seeks recognition by the department under this section must  
 107 submit a copy of its published standards to the department for  
 108 review. These standards shall be reviewed by the department  
 109 within 30 days after submission. The department shall recognize  
 110 an accrediting agency if the agency is in compliance with  
 111 subsection (2). The department shall create and maintain a  
 112 complete and accurate list of all recognized accrediting  
 113 agencies for religious exemption and specify the agencies'  
 114 standards.

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115       (4) This section does not authorize the department to  
 116 regulate or control an accrediting agency for religious  
 117 exemption or to regulate or control the governance, religious  
 118 curriculum, academic curriculum, testing or assessments,  
 119 evaluation procedures, academic requirements of the staff,  
 120 discipline, or hiring practices of any religious-exempt child  
 121 care program.

122       (5) The department shall distribute to each recognized  
 123 accrediting agency for religious exemption any revision made to  
 124 the department's minimum standards within 30 days after the  
 125 revision is adopted. Within 30 days after the receipt of revised  
 126 minimum standards from the department, each recognized  
 127 accrediting agency for religious exemption shall notify the  
 128 department by written statement documenting that they have  
 129 notified each exempt program of the revised standards. The new  
 130 standards shall be incorporated during the next revision of the  
 131 accrediting agency's minimum standards. Each recognized  
 132 accrediting agency for religious exemption shall maintain and  
 133 submit to the department an annual report that includes an  
 134 updated listing of programs that are members or participants of,  
 135 or accredited by, that agency and submit a written notice of a  
 136 new program coming into affiliation thereafter, or terminating  
 137 affiliation, within 30 days after such action. A religious-  
 138 exempt child care program that transfers its affiliation from  
 139 one accrediting agency to another must notify the accrediting  
 140 agency from which it is transferring 30 days in advance of the  
 141 transfer.

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

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144 program or weekday preschool program under its certificate of  
145 approval. A child care program or weekday preschool program  
146 exempt from ss. 402.301-402.319 under this section is solely  
147 responsible for its day-to-day operations and compliance with  
148 applicable state laws and the minimum standards of its  
149 accrediting agency for religious exemption.

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

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