

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

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

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11 Section 1. This act may be cited as the "Zaniyah
12 Hinson Act."

13 Section 2. Section 402.316, Florida Statutes, is
14 amended to read:

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

17 402.316 Exemption for child care program or weekday
18 preschool program accredited by a recognized accrediting
19 agency for religious exemption.--

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

1 voluntarily be licensed under ss. 402.301-402.319. If a
2 religious-exempt child care program chooses to be exempt from
3 the requirements of ss. 402.301-402.319, the program must meet
4 the screening requirements in ss. 402.305 and 402.3055 and
5 must display its certificate of compliance issued by a
6 recognized accrediting agency for religious exemption in a
7 conspicuous location in the facility. Failure to post the
8 certificate of compliance in a conspicuous location will
9 result in an administrative action as determined by the
10 standards of the program's accrediting agency for religious
11 exemption.

12 (2) The department shall verify an accrediting agency
13 as a recognized accrediting agency for religious exemption if
14 the accrediting agency:

15 (a) Adopts minimum standards for operating a child
16 care program or weekday preschool program which meet or exceed
17 the department's minimum standards set forth in s. 402.305
18 (1)-(11), (13), (15), and (16);

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

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

29 (d) Requires a program that is a member or participant
30 of, or accredited by, the agency to inform parents that the
31 program is exempt from state licensing requirements but meets

1 the standards of the program's accrediting agency, which meet
2 or exceed the department's minimum standards;

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

9 (f) Requires child care personnel employed by a
10 program that is a member or participant of, or accredited by,
11 the agency to comply with standards that meet or exceed the
12 standards set forth in s. 402.305(2)(d). A recognized
13 accrediting agency for religious exemption must require child
14 care personnel to begin a 40-clock-hour introductory course in
15 child care, approved by the department, by October 1, 2005, or
16 within 90 days after employment and complete the training
17 within 1 year after the date on which the training begins. In
18 addition, a recognized accrediting agency shall require a
19 program that is a member or participant of, or accredited by,
20 the agency to meet or exceed the requirements for staff
21 credentials set forth in s. 402.305(3) by July 1, 2009. The
22 department and accrediting agencies for religious exemption
23 shall work collaboratively to expedite the approval of
24 equivalency programs developed by the accrediting agencies.

25 (3) Each accrediting agency for religious exemption
26 that seeks recognition by the department under this section
27 must submit a copy of its published standards to the
28 department for review. These standards shall be reviewed by
29 the department within 30 days after submission. The department
30 shall recognize an accrediting agency if the agency is in
31 compliance with subsection (2). The department shall create

1 and maintain a complete and accurate list of all recognized
2 accrediting agencies for religious exemption and specify the
3 agencies' standards.

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

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

1 (6) A recognized accrediting agency for religious
2 exemption may not own, operate, or administer a child care
3 program or weekday preschool program under its certificate of
4 approval. A child care program or weekday preschool program
5 exempt from ss. 402.301-402.319 under this section is solely
6 responsible for its day-to-day operations and compliance with
7 applicable state laws and the minimum standards of its
8 accrediting agency for religious exemption.

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

14 Section 3. This act shall take effect July 1, 2005.

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17 SENATE SUMMARY

18 Exempts a child care program affiliated with a church,
19 temple, or parochial school from regulation by the
20 Department of Children and Family Services as a
21 religious-exempt child care program. Requires
22 religious-exempt child care programs to display a
23 certificate of compliance issued by an accrediting agency
24 that is recognized by the department. Establishes
25 requirements for accrediting agencies recognized by the
26 department. Requires a recognized accrediting agency to
27 conduct an initial onsite review. Establishes timeframes
28 within which child care programs must meet the
29 requirements for training and credentials. Requires
30 accrediting agencies for religious exemption to submit
31 standards to the department. Requires the department to
 create and maintain a list of recognized accrediting
 agencies. Provides that the act does not authorize the
 department to regulate the curriculum, discipline, or
 hiring practices of a religious-exempt child care
 program. Mandates the department to notify recognized
 accrediting agencies of 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.