



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 religious 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, and provides that the applicable local governing body  
29 shall have enforcement authority over such members or  
30 participants with respect to their compliance with all such  
31 minimum requirements;

1        (d) Requires a program that is a member or participant  
2 of, or accredited by, the agency to inform parents that the  
3 program is exempt from state licensing requirements but meets  
4 the standards of the program's accrediting agency, which meet  
5 or exceed the department's minimum standards;

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

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

28        (3) Each accrediting agency for religious exemption  
29 that seeks recognition by the department under this section  
30 must submit a copy of its published standards to the  
31 department for review. These standards shall be reviewed by

1 the department within 30 days after submission. The department  
2 shall recognize an accrediting agency if the agency is in  
3 compliance with subsection (2). The department shall create  
4 and maintain a complete and accurate list of all recognized  
5 accrediting agencies for religious exemption and specify the  
6 agencies' standards.

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

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

1 the accrediting agency from which it is transferring 30 days  
2 in advance of the transfer.

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

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

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

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 Senate Bill 352

21 This Committee Substitute differs from Senate Bill 352 in the  
22 following ways:

- 23 1. Replaces the word "parochial" with "religious" to clarify  
24 that the bill applies to all religiously affiliated  
25 childcare programs; and  
26 2. Clarifies that local governing bodies have the authority  
27 to enforce all fire, safety, health, building and zoning  
28 codes over religiously affiliated child care programs.  
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