

By Senator Lynn

7-20-06

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 religious school to
6 be exempt from regulation by the Department of
7 Children and Family Services as a
8 religious-exempt child care program; requiring
9 religious-exempt child care programs to display
10 a certificate of compliance issued by an
11 accrediting agency recognized by the
12 department; providing requirements for
13 accrediting agencies recognized by the
14 department; requiring a recognized accrediting
15 agency to conduct an initial onsite review;
16 providing timeframes within which child care
17 programs must meet the requirements for
18 training and credentials; requiring recognized
19 accrediting agencies for religious exemption to
20 submit standards to the department; requiring
21 the department to create and maintain a list of
22 recognized accrediting agencies; providing that
23 the act does not authorize the department to
24 regulate certain specified elements of a
25 religious-exempt child care program; requiring
26 that the department notify recognized
27 accrediting agencies of any revision in
28 standards; requiring that a recognized
29 accrediting agency submit an annual report;
30 providing timeframes within which an exempt
31 child care program must notify an accrediting

1 agency of its transfer and termination of
2 accreditation; prohibiting a recognized
3 accrediting agency for religious exemption from
4 owning, operating, or administering certain
5 programs; requiring the department to
6 facilitate an annual meeting; providing an
7 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 that conducts 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 ss. 402.301-402.319, the program must meet the screening
4 requirements in ss. 402.305 and 402.3055 and must display in a
5 conspicuous location in the facility its certificate of
6 compliance issued by a recognized accrediting agency for
7 religious exemption. Failure to post the certificate of
8 compliance in a conspicuous location will result in an
9 administrative action as determined by the standards of the
10 program's accrediting agency for religious exemption.

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

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

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

22 (c) Requires a program that is a member or participant
23 of, or accredited by, the agency to meet the minimum
24 requirements of the local governing body with respect to
25 health, sanitation, and safety, including minimum requirements
26 for environmental health, firesafety, zoning, and building
27 codes, and provides that the applicable local governing body
28 has enforcement authority over such members or participants
29 with respect to their compliance with all such minimum
30 requirements;

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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, each program must submit to the
9 accrediting agency a notarized statement verifying compliance
10 with applicable state laws and the accrediting agency's
11 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, 2006, or
19 within 90 days after employment and to 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, 2010. 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 which seeks recognition by the department under this section
30 must submit a copy of its published standards to the
31 department for review. The department shall review these

1 standards 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 the agency
21 has notified each exempt program of the revised standards. The
22 new standards must 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 must submit to the department an annual report that includes
26 an updated listing of programs that are members or
27 participants of, or accredited by, that agency and must submit
28 a written notice of a new program coming into affiliation
29 thereafter, or terminating affiliation, within 30 days after
30 such action. A religious-exempt child care program that
31 transfers its affiliation from one accrediting agency to

1 another must notify the accrediting agency from which it is
2 transferring 30 days before 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, 2006.
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SENATE SUMMARY

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3 Provides for a child care program affiliated with a
4 religious congregation or religious school to be exempt
5 from regulation by the Department of Children and Family
6 Services as a religious-exempt child care program.
7 Requires religious-exempt child care programs to display
8 a certificate of compliance issued by an accrediting
9 agency recognized by the department. Provides
10 requirements for accrediting agencies recognized by the
11 department. Requires a recognized accrediting agency to
12 conduct an initial onsite review. Provides timeframes
13 within which child care programs must meet the
14 requirements for training and credentials. Requires
15 recognized accrediting agencies for religious exemption
16 to submit standards to the department. Requires the
17 department to create and maintain a list of recognized
18 accrediting agencies. Provides that the act does not
19 authorize the department to regulate certain specified
20 elements of a religious-exempt child care program.
21 Requires that the department notify recognized
22 accrediting agencies of any revision in standards.
23 Requires that a recognized accrediting agency submit an
24 annual report. Provides timeframes within which an exempt
25 child care program must notify an accrediting agency of
26 its transfer and termination of accreditation. Prohibits
27 a recognized accrediting agency for religious exemption
28 from owning, operating, or administering certain
29 programs. Requires the department to facilitate an annual
30 meeting. (See bill for details.)
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