

By Senator Lynn

7-00298-08

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

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30 providing an effective date.

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

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34 Section 1. This act may be cited as the "Zaniyah Hinson  
35 Act."

36 Section 2. Section 402.316, Florida Statutes, is amended to  
37 read:

38 (Substantial rewording of section. See

39 s. 402.316, F.S., for present text.)

40 402.316 Exemption for child care program or weekday  
41 preschool program accredited by a recognized accrediting agency  
42 for religious exemption.--

43 (1) A child care program or weekday preschool program  
44 qualifies for the exemption provided in this section if the  
45 program is an integral part of an established religious  
46 congregation or religious school that conducts regularly  
47 scheduled classes, courses of study, or educational programs and  
48 is a member or participant of, or accredited by, a state,  
49 regional, or national accrediting agency for religious exemption  
50 which is recognized by the Department of Children and Family  
51 Services. A child care program or weekday preschool program that  
52 qualifies as a religious-exempt child care program may choose to  
53 be exempt from the requirements for child care licensing  
54 established in ss. 402.301-402.319 or may be licensed voluntarily  
55 under ss. 402.301-402.319. If a religious-exempt child care  
56 program chooses to be exempt from ss. 402.301-402.319, the  
57 program must meet the screening requirements in ss. 402.305 and  
58 402.3055 and must display in a conspicuous location in the

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59 facility its certificate of compliance issued by a recognized  
60 accrediting agency for religious exemption. A program that fails  
61 to post its certificate of compliance in a conspicuous location  
62 is subject to administrative action as determined by the  
63 standards of the program's accrediting agency for religious  
64 exemption.

65 (2) In any county in which there is a local licensing  
66 agency approved by the department, the local licensing agency may  
67 continue to recognize a county accrediting agency for religious  
68 exemption.

69 (3) The department shall verify an accrediting agency as a  
70 recognized accrediting agency for religious exemption if the  
71 accrediting agency:

72 (a) Adopts minimum standards for operating a child care  
73 program or weekday preschool program which meet or exceed the  
74 department's minimum standards set forth in s. 402.305 (1)-(11),  
75 (13), (15), and (16);

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

80 (c) Requires a program that is a member or participant of,  
81 or accredited by, the agency to meet the minimum requirements of  
82 the local governing body with respect to health, sanitation, and  
83 safety, including minimum requirements for environmental health,  
84 firesafety, zoning, and building codes, and provides that the  
85 applicable local governing body has enforcement authority over  
86 such members or participants with respect to their compliance  
87 with all such minimum requirements;

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88        (d) Requires a program that is a member or participant of,  
89 or accredited by, the agency to inform parents that the program  
90 is exempt from state licensing requirements but meets the  
91 standards of the program's accrediting agency, which meet or  
92 exceed the department's minimum standards;

93        (e) Conducts an initial onsite review of each program that  
94 is a member or participant of, or accredited by, the agency. Each  
95 year thereafter, each program must submit to the accrediting  
96 agency a notarized statement verifying compliance with applicable  
97 state laws and the accrediting agency's published minimum  
98 standards; and

99        (f) Requires child care personnel employed by a program  
100 that is a member or participant of, or accredited by, the agency  
101 to comply with standards that meet or exceed the standards set  
102 forth in s. 402.305(2)(d). A recognized accrediting agency for  
103 religious exemption must require child care personnel to begin a  
104 40-clock-hour introductory course in child care, approved by the  
105 department, by October 1, 2008, or within 90 days after  
106 employment, and to complete the training within 1 year after the  
107 date on which the training begins. In addition, a recognized  
108 accrediting agency shall require a program that is a member or  
109 participant of, or accredited by, the agency to meet or exceed  
110 the requirements for staff credentials set forth in s. 402.305(3)  
111 by July 1, 2012. The department and accrediting agencies for  
112 religious exemption shall work collaboratively to expedite the  
113 approval of equivalency programs developed by the accrediting  
114 agencies.

115        (4) Each accrediting agency for religious exemption seeking  
116 recognition by the department under this section must submit a

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117 copy of its published standards to the department for review. The  
118 department shall review these standards within 30 days after  
119 submission. The department shall recognize an accrediting agency  
120 if the agency is in compliance with subsection (3). The  
121 department shall create and maintain a complete and accurate list  
122 of all recognized accrediting agencies for religious exemption  
123 and specify the agencies' standards.

124 (5) This section does not authorize the department to  
125 regulate or control an accrediting agency for religious exemption  
126 or to regulate or control the governance, religious curriculum,  
127 academic curriculum, testing or assessments, evaluation  
128 procedures, academic requirements of the staff, discipline, or  
129 hiring practices of any religious-exempt child care program.

130 (6) The department shall distribute to each recognized  
131 accrediting agency for religious exemption any revision made to  
132 the department's minimum standards within 30 days after the  
133 revision is adopted. Within 30 days after the receipt of revised  
134 minimum standards from the department, each recognized  
135 accrediting agency for religious exemption shall notify the  
136 department by written statement documenting that the agency has  
137 notified each exempt program of the revised standards. The new  
138 standards must be incorporated during the next revision of the  
139 accrediting agency's minimum standards. Each recognized  
140 accrediting agency for religious exemption shall maintain and  
141 must submit to the department an annual report that includes an  
142 updated listing of programs that are members or participants of,  
143 or accredited by, that agency and must submit a written notice of  
144 a new program coming into affiliation thereafter, or terminating  
145 affiliation, within 30 days after such action. A religious-exempt

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146 child care program that transfers its affiliation from one  
147 accrediting agency to another must notify the accrediting agency  
148 from which it is transferring 30 days before the transfer.

149 (7) A recognized accrediting agency for religious exemption  
150 may not own, operate, or administer a child care program or  
151 weekday preschool program under its certificate of approval. A  
152 child care program or weekday preschool program that is exempt  
153 from ss. 402.301-402.319 under this section is solely responsible  
154 for its day-to-day operations and compliance with applicable  
155 state laws and the minimum standards of its accrediting agency  
156 for religious exemption.

157 (8) The department shall facilitate an annual meeting of  
158 the accrediting agencies for religious exemption, health and  
159 safety officials, and other interested child advocates in order  
160 to exchange ideas for ensuring the health and safety of children  
161 in child care and preschool programs.

162 Section 3. This act shall take effect July 1, 2008.