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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2011	.	
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The Committee on Commerce and Tourism (Lynn) recommended the following:

Senate Amendment (with title amendment)

Between lines 181 and 182
insert:

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

402.316 Exemptions.—

(1) The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, do ~~shall~~ not apply to a child care facility that ~~which~~ is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational



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13 programs accredited by, or by a member of, an organization that
14 ~~which~~ publishes and requires compliance with its standards for
15 health, safety, and sanitation. Such standards must meet or
16 exceed the minimum health, safety, and sanitation standards as
17 prescribed under chapter 65C-22, Florida Administrative Code.
18 ~~However,~~ Such facilities shall meet minimum requirements of the
19 applicable local governing body as to health, sanitation, and
20 safety and shall meet the screening requirements pursuant to ss.
21 402.305 and 402.3055. Failure by a facility to comply with the
22 ~~such~~ screening requirements shall result in the loss of the
23 facility's exemption from licensure.

24 (2) A child care facility covered by the religious
25 exemption set forth in subsection (1) must display in a
26 conspicuous location at the facility its certificate of
27 compliance issued by the agency accrediting the child care
28 facility for a religious exemption. The certificate must state
29 that it is issued specifically for the purpose of providing the
30 child care facility with a religious exemption from licensure.

31 (3)~~(2)~~ Any county or city with state or local child care
32 licensing programs in existence on July 1, 1974, will continue
33 to license the child care facilities as covered by such
34 programs, notwithstanding the provisions of subsection (1),
35 until and unless the licensing agency makes a determination to
36 exempt them.

37 (4)~~(3)~~ Any child care facility covered by the exemption
38 provisions of subsection (1), but desiring to be included in
39 this act, is authorized to do so by submitting notification to
40 the department. Once licensed, such facility cannot withdraw
41 from the act and continue to operate.



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42 (5) A recognized accrediting agency for religious exemption
43 may not own, operate, or administer a child care program that
44 the agency accredits. This limitation applies to programs owned,
45 operated, or administered by relatives of the accrediting agency
46 who are within the fifth degree by blood or marriage.

47 (6) This section does not authorize the department to
48 regulate or control the governance, curriculum, academic
49 curriculum, testing or assessments, evaluation procedures,
50 academic requirements of the staff, disciplinary practices, or
51 hiring practices of any child care program under this section.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line 9

56 and insert:

57 homes and large family child care homes; amending s.
58 402.316, F.S.; requiring that the health, safety, and
59 sanitation standards of an accrediting agency
60 applicable to child care facilities that are exempt
61 from licensure meet or exceed the minimum health,
62 safety, and sanitation standards set forth by the
63 Department of Children and Family Services; requiring
64 a child care facility to prominently display a
65 certificate indicating that the facility qualifies for
66 a religious exemption from licensure; prohibiting an
67 accrediting agency for religious exemption from
68 owning, operating, or administering a child care
69 program that it accredits, including a program owned
70 by relatives; providing that application of the



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71 accrediting standards does not authorize the
72 department to regulate or control the governance,
73 curriculum, testing or assessments, evaluation
74 procedures, academic requirements of the staff or the
75 disciplinary or hiring practices of any child care
76 program; amending s.