

By Senator Joyner

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1 A bill to be entitled
2 An act relating to religious-exempt child care
3 programs; amending s. 402.302, F.S.; defining the term
4 "boarding school"; amending s. 402.316, F.S.;
5 providing for a child care program affiliated with a
6 religious congregation or religious boarding school to
7 be exempt from regulation by the Department of
8 Children and Families as a religious-exempt child care
9 program; requiring religious-exempt child care
10 programs to display a certificate of compliance issued
11 by an accrediting agency recognized by the department;
12 providing requirements for accrediting agencies
13 recognized by the department; requiring a recognized
14 accrediting agency to conduct an initial onsite
15 review; providing timeframes within which child care
16 programs must meet the requirements for training and
17 credentials; requiring recognized accrediting agencies
18 for religious-exempt child care programs to submit
19 standards to the department; requiring the department
20 to create and maintain a list of recognized
21 accrediting agencies; providing that the act does not
22 authorize the department to regulate specified
23 elements of a religious-exempt child care program;
24 requiring that the department notify recognized
25 accrediting agencies of any revision in standards;
26 requiring that a recognized accrediting agency submit
27 an annual report; providing timeframes within which an
28 exempt child care program must notify an accrediting
29 agency of its transfer and termination of

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30 accreditation; prohibiting a recognized accrediting
31 agency for religious exemption from owning, operating,
32 or administering certain programs; requiring the
33 department to facilitate an annual meeting; providing
34 an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:
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38 Section 1. Present subsections (1) through (18) of section
39 402.302, Florida Statutes, are renumbered as subsections (2)
40 through (19), respectively, and a new subsection (1) is added to
41 that section, to read:

42 402.302 Definitions.—As used in this chapter, the term:

43 (1) "Boarding school" means a school that is accredited by
44 the Florida Council of Independent Schools or the Southern
45 Association of Colleges and Schools; which is accredited by the
46 Council on Accreditation, the Commission on Accreditation of
47 Rehabilitation Facilities, or the Coalition for Residential
48 Education; and which is registered with the Department of
49 Education as a school and that must meet all of the following
50 criteria within 3 years of the effective date of this act:

51 (a) Its program must follow established school schedules,
52 with holiday breaks and summer recesses in accordance with other
53 public and private school programs.

54 (b) With the exception of foreign students, the children in
55 residence must customarily return to their family homes or legal
56 guardians during school breaks and must not be in residence
57 year-round.

58 (c) Parents of the children in residence must retain

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59 planning and financial responsibility for and custody of their
60 children. A boarding school must provide proof of accreditation
61 or documentation of the accreditation process upon request. A
62 boarding school that cannot produce the required documentation
63 or that has not registered with the Department of Education
64 shall be considered to be providing residential group care
65 without a license. The Department of Children and Families may
66 impose administrative sanctions or seek civil remedies as
67 provided under s. 409.175(11) (a).

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

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

72 402.316 Exemption for child care program, weekday preschool
73 program, or boarding school accredited by a recognized
74 accrediting agency for religious exemption.—

75 (1) A child care program, weekday preschool program, or
76 boarding school qualifies for religious exemption if the program
77 or boarding school is an integral part of an established
78 religious congregation or religious school that conducts
79 regularly scheduled classes, courses of study, or educational
80 programs, and is a member or participant of, or accredited by a
81 state, regional, or national accrediting agency for religious
82 exemption which is recognized by the Department of Children and
83 Families. A child care program, weekday preschool program, or
84 boarding school that qualifies as a religious-exempt child care
85 program may choose to be exempt from or to be voluntarily
86 licensed under ss. 402.301-402.319. However, a religious-exempt
87 child care program that chooses to be exempt from these sections

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88 still must meet the screening requirements in ss. 402.305 and
89 402.3055 and must display in a conspicuous location in the
90 facility a certificate of compliance issued by a recognized
91 accrediting agency for religious exemption. Failure to post the
92 certificate of compliance in a conspicuous location will result
93 in an administrative action as determined by the standards of
94 the program's accrediting agency for religious exemption.

95 (2) In a county in which a local licensing agency is
96 approved by the department, the local licensing agency may
97 continue to recognize a county accrediting agency for religious
98 exemption.

99 (3) The department shall verify an accrediting agency as a
100 recognized accrediting agency for religious exemption if the
101 accrediting agency:

102 (a) Adopts minimum standards for operating a child care
103 program or weekday preschool program which meet or exceed the
104 department's minimum standards set forth in s. 402.305.

105 (b) Publishes its minimum standards and requires a child
106 care program, weekday preschool program, or boarding school that
107 is a member or participant of, or accredited by, the agency to
108 comply with the accrediting agency's minimum standards.

109 (c) Requires a program that is a member or participant of,
110 or accredited by, the agency to meet the minimum requirements of
111 the local governing body with respect to health, sanitation, and
112 safety, including minimum requirements for environmental health,
113 fire safety, zoning, and building codes, and provides that the
114 applicable local governing body has enforcement authority over
115 such members or participants with respect to their compliance
116 with all such minimum requirements.

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117 (d) Requires a program that is a member or participant of,
118 or accredited by, the agency to inform parents that the program
119 is exempt from state licensing requirements but meets the
120 standards of the program's accrediting agency, which meet or
121 exceed the department's minimum standards.

122 (e) Conducts an initial onsite review of each program that
123 is a member or participant of, or accredited by, the agency.
124 Each year thereafter, each program must submit to the
125 accrediting agency a notarized statement verifying compliance
126 with applicable state laws and the accrediting agency's
127 published minimum standards.

128 (f) Requires child care personnel employed by a program
129 that is a member or participant of, or accredited by, the agency
130 to comply with standards that meet or exceed the standards
131 established in s. 402.305.

132 (4) A recognized accrediting agency for religious exemption
133 shall require child care personnel to take a 40-clock-hour
134 introductory course in child care, approved by the department,
135 by October 1, 2013, or within 90 days after the date on which
136 the training begins. In addition, a recognized accrediting
137 agency shall require a program that is a member or participant
138 of, or accredited by, the agency to meet or exceed the
139 requirements for staff credentials established in s. 402.305 by
140 July 1, 2016. The department and accrediting agencies for
141 religious exemption shall work collaboratively to expedite the
142 approval of equivalency programs developed by the accrediting
143 agencies.

144 (5) Each accrediting agency for religious exemption that
145 seeks recognition by the department under this section shall

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146 submit a copy of its published standards to the department for
147 review. The department shall review these standards within 30
148 days after submission. The department shall recognize an
149 accrediting agency if the agency is in compliance with
150 subsection (3). The department shall create and maintain a
151 complete and accurate list of all recognized accrediting
152 agencies for religious exemption which includes their respective
153 standards.

154 (6) This section does not authorize the department to
155 regulate or control an accrediting agency for religious
156 exemption or to regulate or control the governance, religious
157 curriculum, academic curriculum, testing or assessments,
158 evaluation procedures, academic requirements of the staff,
159 discipline, or hiring practices of any religious-exempt child
160 care program.

161 (7) The department shall distribute to each recognized
162 accrediting agency for religious exemption any revision made to
163 the department's minimum standards within 30 days after the
164 revision is adopted. Within 30 days after the receipt of revised
165 minimum standards from the department, each recognized
166 accrediting agency for religious exemption shall notify the
167 department by written statement documenting that the agency has
168 notified each religious-exempt program of the revised standards.
169 The new standards must be incorporated during the next revision
170 of the accrediting agency's minimum standards. Each recognized
171 accrediting agency for religious exemption shall prepare and
172 submit to the department an annual report that includes an
173 updated listing of programs that are members or participants of,
174 or accredited by, that agency and must submit a written notice

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175 of a new program coming into affiliation thereafter, or
176 terminating affiliation, within 30 days after such action. A
177 religious-exempt child care program that transfers its
178 affiliation from one accrediting agency to another must notify
179 the accrediting agency from which it is transferring 30 days
180 before the transfer.

181 (8) A recognized accrediting agency for religious exemption
182 may not own, operate, or administer a child care program or
183 weekday preschool program under its certificate of approval. A
184 religious-exempt child care or weekday preschool program is
185 solely responsible for its day-to-day operations and compliance
186 with applicable state laws and shall meet the minimum standards
187 of its accrediting agency for religious exemption.

188 (9) The department shall facilitate an annual meeting with
189 the accrediting agencies for religious exemption, health and
190 safety of children in child care and preschool programs.

191 Section 3. This act shall take effect July 1, 2013.