

1                                   A bill to be entitled  
2           An act relating to religious-exempt child care  
3           programs; providing a short title; amending s.  
4           402.316, F.S.; providing for a child care  
5           program affiliated with a religious  
6           congregation or parochial school to be exempt  
7           from regulation by the department 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 on-site 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 parochial 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;

29 (d) Requires a program that is a member or participant  
30 of, or accredited by, the agency to inform parents that the  
31 program is exempt from state licensing requirements but meets

1 the standards of the program's accrediting agency, which meet  
2 or exceed the department's minimum standards;

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

9 (f) Requires child care personnel employed by a  
10 program that is a member or participant of, or accredited by,  
11 the agency to comply with standards that meet or exceed the  
12 standards set forth in s. 402.305(2)(d). A recognized  
13 accrediting agency for religious exemption must require child  
14 care personnel to begin a 40-clock-hour introductory course in  
15 child care, approved by the department, by October 1, 2004, or  
16 within 90 days after employment and complete the training  
17 within 1 year after the date on which the training begins. In  
18 addition, a recognized accrediting agency shall require a  
19 program that is a member or participant of, or accredited by,  
20 the agency to meet or exceed the requirements for staff  
21 credentials set forth in s. 402.305(3) by July 1, 2008. The  
22 department and accrediting agencies for religious exemption  
23 shall work collaboratively to expedite the approval of  
24 equivalency programs developed by the accrediting agencies.

25 (3) Each accrediting agency for religious exemption  
26 that seeks recognition by the department under this section  
27 must submit a copy of its published standards to the  
28 department for review. These standards shall be reviewed by  
29 the department within 30 days after submission. The department  
30 shall recognize an accrediting agency if the agency is in  
31 compliance with subsection (2). The department shall create

1 and maintain a complete and accurate list of all recognized  
2 accrediting agencies for religious exemption and specify the  
3 agencies' standards.

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

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

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

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

14           Section 3. This act shall take effect July 1, 2004.  
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