

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: CS/SB 1382

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Rich

SUBJECT: Child Care Facilities

DATE: March 26, 2010                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Walsh	Walsh	CF	Fav/CS
2.			HA	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

Committee Substitute for Senate Bill 1382 amends the Gold Seal Quality Care Program for child care facilities to specify the process by which the Department of Children and Family Services (DCF or department) is to develop the standards.

The bill also revises minimum standards for child care personnel by increasing the minimum age for child care personnel to 18; requiring that child care personnel hold a high school or high school equivalency diploma; and requiring that, for every 20 children in a licensed child care facility --- beginning with the first child --- at least one staff hold a current credential.

This bill substantially amends ss. 402.281 and 402.305, F.S.

**II. Present Situation:**

**Gold Seal Quality Care Designation**

Under s. 402.281, F.S., the Department of Children and Family Services (DCF) issues a "Gold Seal Quality Care" designation to child care facilities, large family child care homes, and family

day care homes that are accredited by a nationally recognized accrediting association whose standards meet or exceed standards of the National Association for the Education of Young Children; National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. In addition to the three associations listed in law, DCF's current approved list of accrediting associations includes:<sup>1</sup>

- Association of Christian Schools International;
- Association of Christian Teachers and Schools;
- Accredited Professional Preschool Learning Environment;
- Council On Accreditation;
- Montessori School Accreditation Commission;
- National After-School Association;
- National Accreditation Commission;
- National Association for the Education of Young Children;
- National Association for Family Child Care;
- National Council for Private School Accreditation;
- National Early Childhood Program Accreditation;
- Southern Association of Colleges and Schools;
- United Methodist Association of Preschools; and
- National Accreditation Council for Early Childhood Professional Personnel and Programs.

The Gold Seal Quality Care Program is an approved accreditation for child care providers to be eligible to participate in the Voluntary Pre-Kindergarten Program.<sup>2</sup> In addition, licensed or faith-based child care facilities with the Gold Seal Quality designation may receive an exemption from property taxes<sup>3</sup> and a sales tax exemption for certain educational materials.<sup>4</sup>

The Department of Children and Family Services Gold Seal Quality Care Program does not contain a set of independent standards. Rather, it is a level of care that exceeds the minimum child care licensing standards established by Florida law and by rule by meeting the higher standards of the approved accrediting agencies.

The DCF Child Care Program Office is responsible for approving accrediting agencies for participation in the Gold Seal Quality Care Program. These accrediting agencies must meet or exceed the National Association for the Education of Young Children (NAEYC) standards, the standards of the National Association of Family Child Care, or the standards of the National Early Childhood Program Accreditation Commission. The Child Care Program Office is tasked with ensuring that the accrediting agencies approved for participation are of sufficient variety to meet the needs of all child care providers. (i.e., faith-based, school-age, Montessori, school-based, private, etc.). Child care providers who are accredited by one or more of the approved agencies are issued a Gold Seal certificate by the Child Care Program Office.

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<sup>1</sup> Florida Department of Children and Family Services, Gold Seal Quality Care, at <http://www.dcf.state.fl.us/childcare/goldseal.shtml> (last visited March 24, 2010).

<sup>2</sup> *Id.*

<sup>3</sup> s. 402.26(6), F.S.

<sup>4</sup> s. 212.08(5)(m), F.S.

The Gold Seal Quality Care Program is voluntary and the benefits of participation include, but are not limited to: a positive marketing tool for parents, sales tax exemptions, ad valorem tax exemption, increased reimbursement rate for children participating in school readiness, and participation in Florida's Voluntary Prekindergarten program. There are currently 2,926 Gold Seal Quality Care programs in Florida as of January 2010.<sup>5</sup>

### **Child Care Licensing**

Florida's child care licensing regulations<sup>6</sup> generally govern the health, safety, sanitation, nutrition, physical surroundings, and child development needs of children receiving child care services; child care personnel requirements (e.g., training, professional credentials, and background screening); and staff-to-children ratios.<sup>7</sup> Except for certain facilities that are exempt from licensure under s. 402.316, F.S., (i.e., faith-based child care facilities), all child care facilities in the state must be licensed.<sup>8</sup> Specialized child care facilities for the care of mildly ill children and large family child care homes must also be licensed.<sup>9</sup> Depending on local requirements, family day care homes must either be licensed or registered.<sup>10</sup>

Currently, a person who is age 16 may be employed by a child care facility and be responsible for a classroom without direct supervision, and be counted as staff when computing the required child to staff ratio. In addition, there is no minimum educational requirement required of child care personnel.

### **Child Care Staff Credentials**

In any child care facility operating more than eight hours per week, one of the staff must hold a Child Development Associate or equivalent child care professional credential, or a credential that exceeds those standards, for every 20 children in the facility.<sup>11</sup> The department reports this language has been interpreted to mean that until 20 children are enrolled in the facility, there is no requirement that a credentialed person be employed. Further, there is no requirement that the credential be current.<sup>12</sup>

## **III. Effect of Proposed Changes:**

### **Gold Seal Quality Care Program**

The bill amends s. 402.281, F.S., and provides that child care facilities accredited by certain nationally-recognized accrediting organizations may apply to the department for a "Gold Seal Quality Care" designation.

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<sup>5</sup> January 2010 Gold Seal Quality Care Child Care Setting Roll Up Report, Department of Children and Families, available at <http://ccrain.fl-dcf.org/documents/-99/497.pdf#page=1> (last visited March 24, 2010).

<sup>6</sup> The licensure or registration of child care providers is administered by DCF's Child Care Services Program Office or, in seven counties (Alachua, Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota), by local licensing agencies that have licensing standards meeting or exceeding the state's minimum standards. *See* ss. 402.306 and 402.307, F.S.

<sup>7</sup> *See, e.g.*, ss. 402.305, 402.313, and 402.3131, F.S.

<sup>8</sup> Sections 402.305 and 402.312, F.S.

<sup>9</sup> Sections 402.305(17), 402.312, and 402.3131, F.S.

<sup>10</sup> Sections 402.312 and 402.313, F.S.

<sup>11</sup> Section 402.305(3), F.S.

<sup>12</sup> Department of Children and Families Staff Analysis and Economic Impact SB 1382, January 27, 2010 (on file with the Committee on Children, Families, and Elder Affairs.)

The department is directed to use the current standards of the National Association for the Education of Young Children, the National Association of Family Child Care, or the National Early Childhood Program Accreditation Commission in order to develop the Gold Seal Quality standards. The Agency for Workforce Innovation replaces the now-obsolete State Coordinating Council for School Readiness Programs as one of the parties with whom DCF must consult when developing the standards.

When additional or revised standards are adopted, the department must notify each accrediting agency that participates in the Gold Seal program of the changes and their intent to revise the Gold Seal Quality standards accordingly. Within 30 days of receiving this notification, the accrediting organization must either advise the department that it intends to revise its own standards or discontinue participation in the Gold Seal program.

- The bill requires that the accrediting organization has 90 days to revise its standards, and that it must ensure that all the providers it accredits will come into compliance with the new standards by the time of the provider's renewal.
- If an accrediting organization chooses to discontinue participation, DCF must notify all providers holding that accreditation that they must obtain accreditation from another Gold Seal accrediting association in order to continue as Gold Seal providers.

### **Minimum Standards for Child Care Personnel**

**Age.** The bill amends s. 402.305(2), F.S., to increase the minimum age of a child care facility employee to 18, unless that person is under direct and constant supervision of screened and trained staff aged 18 or older. The bill also provides that those staff under age 18 are not to be counted when calculating the staff-to-child ratio.

**Education.** The bill creates the requirement that all child care personnel must possess a high school diploma or high school equivalency diploma, unless that person:

- is under direct and constant supervision of screened and trained staff and is not counted when calculating the staff-to-child ratio;
- does not serve in an instructional capacity and is not counted when calculating the staff-to-child ratio; or
- is employed in an instructional position on July 1, 2010, and has ten or more continuous years of documented experience working with children in a child care or public school setting.

The bill clarifies that minimum age standards for staff of before and after school programs are set pursuant to s. 402.305(1)(c), F.S. Accordingly, the age requirements applicable to child care facilities do not apply in that setting.

Child care staff employed on July 1, 2010, who do not comply with the minimum educational requirements provided in the bill and who do not enjoy an exemption, must complete the requirements by July 1, 2011. Those who do not timely complete the educational requirements are prohibited from employment as child care personnel until they come into compliance.

**Staff Credentials.** The bill provides that in any facility operating for eight or more hours a week, and for every 20 children --- beginning with the first child --- one of the child care personnel must possess current credentials as specified in the section.

The bill also reenacts s. 1007.23(5), F.S., in order to incorporate the amendment to s. 402.305, F.S., made by the bill, and provides an effective date of July 1, 2010.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires that all child care personnel possess a high school or equivalency diploma by July 1, 2011. Those staff who do not meet these standards will be ineligible for continued employment.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on March 26, 2010:**

The Committee Substitute clarifies that minimum age standards for staff of before and after school programs are set pursuant to s. 402.305(1)(c), F.S. Accordingly, the age requirements applicable to child care facilities do not apply in that setting. The CS also corrects a drafting error.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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