

**By** the Committees on Health and Human Services Appropriations;  
and Children, Families, and Elder Affairs; and Senator Rich

603-04848-10

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1                   A bill to be entitled  
2           An act relating to child care facilities; amending s.  
3           402.281, F.S.; providing that certain child care  
4           facilities, large family child care homes, and family  
5           day care homes that are accredited by a nationally  
6           recognized accrediting association may apply to the  
7           Department of Children and Family Services to receive  
8           a "Gold Seal Quality Care" designation; requiring the  
9           department to use certain standards and to consult  
10          with specified organizations when developing the Gold  
11          Seal Quality Care program standards; requiring the  
12          department to notify accrediting associations if the  
13          department proposes to revise the Gold Seal Quality  
14          Care program standards; requiring each accrediting  
15          association to notify the department within a stated  
16          time of its intent to revise its accreditation  
17          standards or discontinue participation in the Gold  
18          Seal Quality Care program; requiring an accrediting  
19          association that intends to revise its accreditation  
20          standards to do so within 90 days after notification  
21          from the department; amending s. 402.305, F.S.;  
22          prohibiting a person under the age of 18 from being  
23          the operator of a child care facility; requiring the  
24          department to address minimum age requirements for  
25          before-school and after-school care; providing  
26          exceptions; stating the minimum educational standards  
27          for child care facility employees; providing  
28          exceptions; requiring employees who do not meet the  
29          minimum educational standards by a specified date to

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30 do so within 1 year; requiring child care staff to  
31 possess specified credentials; reenacting s.  
32 1007.23(5), F.S., relating to child development  
33 associate credentials, to incorporate the amendment  
34 made to s. 402.305, F.S., in a reference thereto;  
35 providing an effective date.  
36

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

38  
39 Section 1. Section 402.281, Florida Statutes, is amended to  
40 read:

41 402.281 Gold Seal Quality Care program.—

42 (1) Child care facilities, large family child care homes,  
43 or family day care homes that are accredited by a nationally  
44 recognized accrediting association whose standards substantially  
45 meet or exceed the National Association for the Education of  
46 Young Children (NAEYC), the National Association of Family Child  
47 Care, or ~~and~~ the National Early Childhood Program Accreditation  
48 Commission, as applicable, may apply to the department to shall  
49 receive a separate "Gold Seal Quality Care" designation ~~to~~  
50 ~~operate as a gold seal child care facility, large family child~~  
51 ~~care home, or family day care home.~~

52 (2) In developing the Gold Seal Quality Care program  
53 standards, the department shall use the current standards of  
54 each accrediting association, as applicable, specified in  
55 subsection (1) and consult with the Department of Education, the  
56 Agency for Workforce Innovation, the Florida Head Start  
57 Directors Association, the Florida Association of Child Care  
58 Management, the Florida Family Day Care Association, the Florida

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59 Children's Forum, ~~the State Coordinating Council for School~~  
60 ~~Readiness Programs,~~ the Early Childhood Association of Florida,  
61 the National Association for Child Development Education,  
62 providers receiving exemptions under s. 402.316, and parents,  
63 for the purpose of approving the accrediting associations.

64 (a) Upon the adoption of additional or revised standards by  
65 any accrediting association specified in subsection (1), the  
66 department shall notify each accrediting association that has  
67 been approved to participate in the Gold Seal Quality Care  
68 program of the applicable changes and of the department's intent  
69 to revise the Gold Seal Quality Care program standards  
70 accordingly.

71 (b) Upon such notification, each accrediting association  
72 must, within 30 days, notify the department of its intent to  
73 revise its accreditation standards or discontinue participation  
74 in the Gold Seal Quality Care program.

75 1. Upon notification by an accrediting association that it  
76 intends to discontinue participation in the Gold Seal Quality  
77 Care program, the department shall notify any participating  
78 child care provider accredited by that association that the  
79 provider must obtain accreditation from another Gold Seal  
80 accrediting association by the time the provider's current  
81 accreditation expires in order to maintain designation as a Gold  
82 Seal Quality Care provider.

83 2. An accrediting association that intends to revise its  
84 accreditation standards must do so within 90 days after the  
85 notification provided pursuant to paragraph (a) and must ensure  
86 that each provider accredited by that association is in  
87 compliance with the revised accreditation standards upon the

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88 provider's renewal of accreditation.

89 (3) In order to obtain and maintain a designation as a Gold  
90 Seal Quality Care provider, a child care facility, large family  
91 child care home, or family day care home must meet the following  
92 additional criteria:

93 (a) The child care provider must not have had any class I  
94 violations, as defined by rule, within the 2 years preceding its  
95 application for designation as a Gold Seal Quality Care  
96 provider. Commission of a class I violation shall be grounds for  
97 termination of the designation as a Gold Seal Quality Care  
98 provider until the provider has no class I violations for a  
99 period of 2 years.

100 (b) The child care provider must not have had three or more  
101 class II violations, as defined by rule, within the 2 years  
102 preceding its application for designation as a Gold Seal Quality  
103 Care provider. Commission of three or more class II violations  
104 within a 2-year period shall be grounds for termination of the  
105 designation as a Gold Seal Quality Care provider until the  
106 provider has no class II violations for a period of 1 year.

107 (c) The child care provider must not have been cited for  
108 the same class III violation, as defined by rule, three or more  
109 times within the 2 years preceding its application for  
110 designation as a Gold Seal Quality Care provider. Commission of  
111 the same class III violation three or more times during a 2-year  
112 period shall be grounds for termination of the designation as a  
113 Gold Seal Quality Care provider until the provider has no class  
114 III violations for a period of 1 year.

115 (4) The Department of Children and Family Services shall  
116 adopt rules pursuant to ~~under~~ ss. 120.536(1) and 120.54 which

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117 provide criteria and procedures for reviewing and approving  
118 accrediting associations for participation in the Gold Seal  
119 Quality Care program, conferring and revoking designations of  
120 Gold Seal Quality Care providers, and classifying violations.

121 Section 2. Paragraphs (c) and (f) of subsection (2) and  
122 subsection (3) of section 402.305, Florida Statutes, are  
123 amended, and paragraph (g) is added to subsection (2) of that  
124 section, to read:

125 402.305 Licensing standards; child care facilities.—

126 (2) PERSONNEL.—Minimum standards for child care personnel  
127 shall include minimum requirements as to:

128 (c) Minimum age requirements. The ~~Such~~ minimum standards  
129 must ~~shall~~ prohibit a person under the age of 21 from being the  
130 operator of a child care facility and a person under the age of  
131 18 ~~16~~ from being employed at such facility unless he or she ~~such~~  
132 ~~person~~ is under direct and constant supervision of screened and  
133 trained staff who are 18 years of age or older and he or she is  
134 not counted for the purposes of calculating ~~computing~~ the staff-  
135 to-child ~~personnel-to-child~~ ratio. The standards established for  
136 before-school and after-school care pursuant to paragraph (1)(c)  
137 must address minimum age requirements.

138 (f) ~~By January 1, 2000,~~ A credential for child care  
139 facility directors. ~~By January 1, 2004,~~ The credential is the  
140 ~~shall be a~~ required minimum standard for licensing child care  
141 facility directors.

142 (g) Minimum education standards for child care personnel.  
143 Minimum education standards shall prohibit persons who have not  
144 obtained a high school diploma or high school equivalency  
145 diploma under s. 1003.435 from being employed as child care

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146 personnel unless such a person is:

147 1. Under the direct and constant supervision of screened  
148 and trained staff and is not counted for purposes of calculating  
149 the staff-to-child ratio;

150 2. Not serving in an instructional position and is not  
151 counted for purposes of calculating the staff-to-child ratio; or

152 3. Employed in an instructional position on July 1, 2010,  
153 and has 10 or more continuous years of documented experience  
154 working with children in a child care setting or in a public  
155 school.

156  
157 Those child care personnel who are employed by a child care  
158 facility on July 1, 2010, who do not possess the minimum  
159 educational requirements set forth in this paragraph and who are  
160 not exempt from the requirements of this paragraph must complete  
161 the educational requirements by July 1, 2011. Persons who do not  
162 complete the appropriate educational requirements are prohibited  
163 from employment as child care personnel until such time as they  
164 are in compliance with this paragraph.

165 (3) MINIMUM STAFF CREDENTIALS.—If a facility operates for 8  
166 or more hours per week ~~By July 1, 1996,~~ for every 20 children in  
167 the a licensed child care facility, beginning with the first  
168 child if the facility operates 8 hours or more per week, one of  
169 the child care personnel in the facility must have:

170 (a) A current child development associate credential;

171 (b) A current child care professional credential, unless  
172 the department determines that such child care professional  
173 credential is not equivalent to or greater than a child  
174 development associate credential; or

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175 (c) A current credential that is equivalent to or greater  
176 than the credential required in paragraph (a) or paragraph (b).  
177

178 The department shall establish by rule those hours of operation,  
179 such as during rest periods and transitional periods, when this  
180 subsection does not apply.

181 Section 3. For the purpose of incorporating the amendment  
182 made by this act to section 402.305, Florida Statutes, in a  
183 reference thereto, subsection (5) of section 1007.23, Florida  
184 Statutes, is reenacted to read:

185 1007.23 Statewide articulation agreement.—

186 (5) The articulation agreement must guarantee the  
187 articulation of 9 credit hours toward a postsecondary degree in  
188 early childhood education for programs approved by the State  
189 Board of Education and the Board of Governors which:

190 (a) Award a child development associate credential issued  
191 by the National Credentialing Program of the Council for  
192 Professional Recognition or award a credential approved under s.  
193 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the  
194 child development associate credential; and

195 (b) Include training in emergent literacy which meets or  
196 exceeds the minimum standards for training courses for  
197 prekindergarten instructors of the Voluntary Prekindergarten  
198 Education Program in s. 1002.59.

199 Section 4. This act shall take effect July 1, 2010.