

By Senator Rich

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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 employed at a child care facility; providing
24 exceptions; stating the minimum educational standards
25 for child care facility employees; providing
26 exceptions; requiring employees who do not meet the
27 minimum educational standards by a specified date to
28 do so within 1 year; requiring child care staff to
29 possess specified credentials; reenacting s.

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30 1007.23(5), F.S., relating to child development
31 associate credentials, to incorporate the amendment
32 made to s. 402.305, F.S., in a reference thereto;
33 providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Section 402.281, Florida Statutes, is amended to
38 read:

39 402.281 Gold Seal Quality Care program.—

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

50 (2) In developing the Gold Seal Quality Care program
51 standards, the department shall use the current standards of
52 each accrediting association, as applicable, specified in
53 subsection (1) and consult with the Department of Education, the
54 Agency for Workforce Innovation, the Florida Head Start
55 Directors Association, the Florida Association of Child Care
56 Management, the Florida Family Day Care Association, the Florida
57 Children's Forum, ~~the State Coordinating Council for School~~
58 ~~Readiness Programs,~~ the Early Childhood Association of Florida,

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59 the National Association for Child Development Education,
60 providers receiving exemptions under s. 402.316, and parents,
61 for the purpose of approving the accrediting associations.

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

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

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

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

87 (3) In order to obtain and maintain a designation as a Gold

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88 Seal Quality Care provider, a child care facility, large family
89 child care home, or family day care home must meet the following
90 additional criteria:

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

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

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

113 (4) The Department of Children and Family Services shall
114 adopt rules pursuant to ~~under~~ ss. 120.536(1) and 120.54 which
115 provide criteria and procedures for reviewing and approving
116 accrediting associations for participation in the Gold Seal

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117 Quality Care program, conferring and revoking designations of
118 Gold Seal Quality Care providers, and classifying violations.

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

123 402.305 Licensing standards; child care facilities.—

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

126 (c) Minimum age requirements. Such minimum standards shall
127 prohibit a person under the age of 21 from being the operator of
128 a child care facility and a person under the age of 18 ~~16~~ from
129 being employed at such facility unless such person is under
130 direct and constant supervision of screened and trained staff
131 who are 18 years of age or older and such person is not counted
132 for the purposes of calculating ~~computing~~ the staff-to-child
133 ~~personnel to-child~~ ratio.

134 (f) ~~By January 1, 2000,~~ A credential for child care
135 facility directors. ~~By January 1, 2004,~~ The credential is the
136 ~~shall be a~~ required minimum standard for licensing child care
137 facility directors.

138 (g) Minimum education standards for child care personnel.
139 Minimum education standards shall prohibit persons who have not
140 obtained a high school diploma or high school equivalency
141 diploma under s. 1003.435 from being employed as child care
142 personnel unless such a person is:

143 1. Under the direct and constant supervision of screened
144 and trained staff and is not counted for purposes of calculating
145 the staff-to-child ratio;

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146 2. Not serving in an instructional position and is not
147 counted for purposes of calculating the staff-to-child ratio;
148 and

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

153
154 Those child care personnel who are employed by a child care
155 facility on July 1, 2010, who do not possess the minimum
156 educational requirements set forth in this paragraph and who are
157 not exempt from the requirements of this paragraph must complete
158 the educational requirements by July 1, 2011. Persons who do not
159 complete the appropriate educational requirements are prohibited
160 from employment as child care personnel until such time as they
161 are in compliance with this paragraph.

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

167 (a) A current child development associate credential;

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

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

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

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

182 1007.23 Statewide articulation agreement.—

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

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

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

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