

HB 719

2010

1 A bill to be entitled  
 2 An act relating to child care; amending s. 402.281, F.S.;  
 3 revising provisions relating to standards that child care  
 4 facilities must meet to obtain and maintain a Gold Seal  
 5 Quality Care provider designation; requiring the  
 6 Department of Children and Family Services to notify  
 7 specified accrediting associations upon adoption of  
 8 additional or revised Gold Seal Quality Care program  
 9 standards; amending s. 402.305, F.S.; revising minimum age  
 10 requirements and establishing minimum education standards  
 11 for child care personnel; revising minimum staff  
 12 credential requirements; providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Subsections (1) and (2) of section 402.281,  
 17 Florida Statutes, are amended to read:

18 402.281 Gold Seal Quality Care program.—

19 (1) Child care facilities, large family child care homes,  
 20 or family day care homes that are accredited by a nationally  
 21 recognized accrediting association whose standards substantially  
 22 meet or exceed the National Association for the Education of  
 23 Young Children (NAEYC), the National Association of Family Child  
 24 Care, or ~~and~~ the National Early Childhood Program Accreditation  
 25 Commission, as applicable, may apply to ~~shall~~ receive a separate  
 26 "Gold Seal Quality Care" designation ~~to operate as a gold seal~~  
 27 ~~child care facility, large family child care home, or family day~~  
 28 ~~care home.~~

29           (2) In developing the Gold Seal Quality Care program  
 30 standards, the department shall use the current standards of the  
 31 applicable accrediting association listed in subsection (1) and  
 32 consult with the Department of Education, the Agency for  
 33 Workforce Innovation, the Florida Head Start Directors  
 34 Association, the Florida Association of Child Care Management,  
 35 the Florida Family Day Care Association, the Florida Children's  
 36 Forum, ~~the State Coordinating Council for School Readiness~~  
 37 ~~Programs,~~ the Early Childhood Association of Florida, the  
 38 National Association for Child Development Education, providers  
 39 receiving exemptions under s. 402.316, and parents, for the  
 40 purpose of approving the accrediting associations.

41           (a) Upon the adoption of additional or revised standards  
 42 by an accrediting association listed in subsection (1), the  
 43 department shall notify each accrediting association that has  
 44 been approved to participate in the Gold Seal Quality Care  
 45 program of the applicable changes and of the department's intent  
 46 to revise the Gold Seal Quality Care program standards  
 47 accordingly.

48           (b) An accrediting association shall have 30 days after  
 49 the department notifies it of additional or revised standards to  
 50 notify the department of its intent to either revise its  
 51 accreditation standards or discontinue participation in the Gold  
 52 Seal Quality Care program.

53           1. When an accrediting association notifies the department  
 54 that it intends to discontinue participation in the Gold Seal  
 55 Quality Care program, the department shall notify any  
 56 participating child care provider that is accredited by that

57 association that it must obtain accreditation by another Gold  
 58 Seal Quality Care accrediting association by the expiration date  
 59 of its current accreditation in order to maintain its  
 60 designation as a Gold Seal Quality Care provider.

61 2. An accrediting association that intends to revise its  
 62 accreditation standards must do so within 90 days after the  
 63 notification required under paragraph (a) and must ensure that  
 64 each provider accredited by that association is in compliance  
 65 with the revised accreditation standards upon renewal of its  
 66 designation as a Gold Seal Quality Care provider.

67 Section 2. Subsections (2) and (3) of section 402.305,  
 68 Florida Statutes, are amended to read:

69 402.305 Licensing standards; child care facilities.—

70 (2) PERSONNEL.—Minimum standards for child care personnel  
 71 shall include ~~minimum~~ requirements as to:

72 (a) Good moral character based upon screening. This  
 73 screening shall be conducted as provided in chapter 435, using  
 74 the level 2 standards for screening set forth in that chapter.

75 (b) Exemptions from disqualification. The department may  
 76 grant exemptions from disqualification from working with  
 77 children or the developmentally disabled as provided in s.  
 78 435.07.

79 (c) Minimum age standards ~~requirements~~. Such minimum  
 80 standards shall prohibit a person under the age of 21 from being  
 81 the operator of a child care facility and a person under the age  
 82 of 18 ~~16~~ from being employed at such facility unless such person  
 83 is under direct and constant supervision of trained staff who  
 84 are 18 years of age or older who have undergone level 2

HB 719

2010

85 screening pursuant to paragraph (a) and is not counted for the  
86 purposes of calculating ~~computing~~ the staff-to-child ~~personnel-~~  
87 ~~to-child~~ ratio.

88 (d) Minimum training requirements for child care  
89 personnel.

90 1. Such minimum standards for training shall ensure that  
91 all child care personnel take an approved 40-clock-hour  
92 introductory course in child care, which course covers at least  
93 the following topic areas:

94 a. State and local rules and regulations which govern  
95 child care.

96 b. Health, safety, and nutrition.

97 c. Identifying and reporting child abuse and neglect.

98 d. Child development, including typical and atypical  
99 language, cognitive, motor, social, and self-help skills  
100 development.

101 e. Observation of developmental behaviors, including using  
102 a checklist or other similar observation tools and techniques to  
103 determine the child's developmental age level.

104 f. Specialized areas, including computer technology for  
105 professional and classroom use and early literacy and language  
106 development of children from birth to 5 years of age, as  
107 determined by the department, for owner-operators and child care  
108 personnel of a child care facility.

109  
110 Within 90 days after employment, child care personnel shall  
111 begin training to meet the training requirements. Child care  
112 personnel shall successfully complete such training within 1

HB 719

2010

113 | year after the date on which the training began, as evidenced by  
114 | passage of a competency examination. Successful completion of  
115 | the 40-clock-hour introductory course shall articulate into  
116 | community college credit in early childhood education, pursuant  
117 | to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
118 | the required training shall be granted to child care personnel  
119 | based upon educational credentials or passage of competency  
120 | examinations. Child care personnel possessing a 2-year degree or  
121 | higher that includes 6 college credit hours in early childhood  
122 | development or child growth and development, or a child  
123 | development associate credential or an equivalent state-approved  
124 | child development associate credential, or a child development  
125 | associate waiver certificate shall be automatically exempted  
126 | from the training requirements in sub-subparagraphs b., d., and  
127 | e.

128 |         2. The introductory course in child care shall stress, to  
129 | the extent possible, an interdisciplinary approach to the study  
130 | of children.

131 |         3. The introductory course shall cover recognition and  
132 | prevention of shaken baby syndrome, prevention of sudden infant  
133 | death syndrome, and early childhood brain development within the  
134 | topic areas identified in this paragraph.

135 |         4. On an annual basis in order to further their child care  
136 | skills and, if appropriate, administrative skills, child care  
137 | personnel who have fulfilled the requirements for the child care  
138 | training shall be required to take an additional 1 continuing  
139 | education unit of approved inservice training, or 10 clock hours  
140 | of equivalent training, as determined by the department.

141           5. Child care personnel shall be required to complete 0.5  
142 continuing education unit of approved training or 5 clock hours  
143 of equivalent training, as determined by the department, in  
144 early literacy and language development of children from birth  
145 to 5 years of age one time. The year that this training is  
146 completed, it shall fulfill the 0.5 continuing education unit or  
147 5 clock hours of the annual training required in subparagraph 4.

148           6. Procedures for ensuring the training of qualified child  
149 care professionals to provide training of child care personnel,  
150 including onsite training, shall be included in the minimum  
151 standards. It is recommended that the state community child care  
152 coordination agencies (central agencies) be contracted by the  
153 department to coordinate such training when possible. Other  
154 district educational resources, such as community colleges and  
155 career programs, can be designated in such areas where central  
156 agencies may not exist or are determined not to have the  
157 capability to meet the coordination requirements set forth by  
158 the department.

159           7. Training requirements shall not apply to certain  
160 occasional or part-time support staff, including, but not  
161 limited to, swimming instructors, piano teachers, dance  
162 instructors, and gymnastics instructors.

163           8. The department shall evaluate or contract for an  
164 evaluation for the general purpose of determining the status of  
165 and means to improve staff training requirements and testing  
166 procedures. The evaluation shall be conducted every 2 years. The  
167 evaluation shall include, but not be limited to, determining the  
168 availability, quality, scope, and sources of current staff

HB 719

2010

169 training; determining the need for specialty training; and  
170 determining ways to increase inservice training and ways to  
171 increase the accessibility, quality, and cost-effectiveness of  
172 current and proposed staff training. The evaluation methodology  
173 shall include a reliable and valid survey of child care  
174 personnel.

175 9. The child care operator shall be required to take basic  
176 training in serving children with disabilities within 5 years  
177 after employment, either as a part of the introductory training  
178 or the annual 8 hours of inservice training.

179 (e) Periodic health examinations.

180 (f) By January 1, 2000, a credential for child care  
181 facility directors. By January 1, 2004, the credential shall be  
182 a required minimum standard for licensing.

183 (g) Minimum education standards for employment as child  
184 care personnel. A person who has not obtained a high school  
185 diploma or a high school equivalency diploma pursuant to s.  
186 1003.435 may not be employed as child care personnel, as defined  
187 in s. 402.302, unless the person is:

188 1. Under the direct and constant supervision of trained  
189 staff who have undergone level 2 screening pursuant to paragraph  
190 (a) and is not counted for purposes of calculating the staff-to-  
191 child ratio;

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

194 3. Employed in an instructional position on July 1, 2010,  
195 and has 10 or more continuous years of documented experience  
196 working with children in a child care setting or in a public

HB 719

2010

197 school.

198

199 A person who is an employee of a child care facility or child  
 200 care program on July 1, 2010, who does not have a high school  
 201 diploma or a high school equivalency diploma and is not exempt  
 202 from the requirement to have such a diploma under subparagraph  
 203 1., subparagraph 2., or subparagraph 3. must meet that education  
 204 requirement by July 1, 2011. A person who is not in compliance  
 205 with the requirements of this paragraph may not be employed in a  
 206 child care facility or child care program.

207 (3) MINIMUM STAFF CREDENTIALS.—If a licensed child care  
 208 facility operates 8 hours or more per week ~~By July 1, 1996, for~~  
 209 ~~every 20 children in the a licensed child care facility,~~  
 210 beginning with the first child ~~if the facility operates 8 hours~~  
 211 ~~or more per week,~~ one of the child care personnel in the  
 212 facility must have:

213 (a) A current child development associate credential;

214 (b) A current child care professional credential, unless  
 215 the department determines that such child care professional  
 216 credential is not equivalent to or greater than a child  
 217 development associate credential; or

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

220

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

224 Section 3. This act shall take effect July 1, 2010.