

By Senator Gibson

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1                   A bill to be entitled  
2           An act relating to the Gold Seal Quality Care program;  
3           amending ss. 39.604, 212.08, and 402.26, F.S.;  
4           conforming provisions and cross-references to changes  
5           made by the act; transferring, renumbering, and  
6           amending s. 402.281, F.S.; revising the requirements  
7           of the Gold Seal Quality Care program; requiring the  
8           State Board of Education to adopt specified rules;  
9           specifying requirements for an accrediting entity,  
10          rather than an accrediting association, to be approved  
11          for participation in such program; requiring the  
12          Department of Education to establish a verification  
13          process for accrediting entities and providing  
14          requirements therefor; requiring the department to  
15          recommend to the state board termination of an  
16          accrediting entity's participation under certain  
17          circumstances; providing that each child care provider  
18          accredited by a terminated accrediting entity has up  
19          to 1 year to obtain new accreditation; deleting a  
20          provision requiring the department to consult with  
21          certain entities for specified purposes; providing  
22          that an accrediting entity is liable for repayment of  
23          certain rate differentials if the accrediting entity  
24          granted accreditation to specified entities under  
25          fraudulent terms or failed to conduct onsite  
26          verifications; authorizing the department to remove an  
27          accrediting entity from being an approved accrediting  
28          entity if the accrediting entity has accredited 10 or  
29          fewer child care providers in the previous 5 years;

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30 authorizing the department to recommend the  
31 maintenance of Gold Seal Quality Care designation for  
32 certain child care facilities; providing an exemption  
33 from ad valorem taxation and rate differentials for  
34 certain child care facilities; providing for a type  
35 two transfer of the Gold Seal Quality Care program  
36 within the Department of Children and Families to the  
37 Department of Education within a specified timeframe;  
38 providing for the continuation of certain contracts  
39 and agreements; amending ss. 402.315, 1002.55,  
40 1002.69, and 1002.895, F.S.; conforming cross-  
41 references; providing an effective date.

42  
43 Be It Enacted by the Legislature of the State of Florida:

44  
45 Section 1. Paragraph (b) of subsection (5) of section  
46 39.604, Florida Statutes, is amended to read:

47 39.604 Rilya Wilson Act; short title; legislative intent;  
48 child care; early education; preschool.—

49 (5) EDUCATIONAL STABILITY.—Just as educational stability is  
50 important for school-age children, it is also important to  
51 minimize disruptions to secure attachments and stable  
52 relationships with supportive caregivers of children from birth  
53 to school age and to ensure that these attachments are not  
54 disrupted due to placement in out-of-home care or subsequent  
55 changes in out-of-home placement.

56 (b) If it is not in the best interest of the child for him  
57 or her to remain in his or her child care or early education  
58 setting upon entry into out-of-home care, the caregiver must

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59 work with the case manager, guardian ad litem, child care and  
60 educational staff, and educational surrogate, if one has been  
61 appointed, to determine the best setting for the child. Such  
62 setting may be a child care provider that receives a Gold Seal  
63 Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a  
64 provider participating in a quality rating system, a licensed  
65 child care provider, a public school provider, or a license-  
66 exempt child care provider, including religious-exempt and  
67 registered providers, and nonpublic schools.

68 Section 2. Paragraph (m) of subsection (5) of section  
69 212.08, Florida Statutes, is amended to read:

70 212.08 Sales, rental, use, consumption, distribution, and  
71 storage tax; specified exemptions.—The sale at retail, the  
72 rental, the use, the consumption, the distribution, and the  
73 storage to be used or consumed in this state of the following  
74 are hereby specifically exempt from the tax imposed by this  
75 chapter.

76 (5) EXEMPTIONS; ACCOUNT OF USE.—

77 (m) *Educational materials purchased by certain child care*  
78 *facilities.*—Educational materials, such as glue, paper, paints,  
79 crayons, unique craft items, scissors, books, and educational  
80 toys, purchased by a child care facility that meets the  
81 standards delineated in s. 402.305, is licensed under s.  
82 402.308, holds a current Gold Seal Quality Care designation  
83 pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health  
84 insurance to all employees are exempt from the taxes imposed by  
85 this chapter. For purposes of this paragraph, the term “basic  
86 health insurance” shall be defined and promulgated in rules  
87 developed jointly by the Department of Children and Families,

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88 the Agency for Health Care Administration, and the Financial  
89 Services Commission.

90 Section 3. Subsection (6) of section 402.26, Florida  
91 Statutes, is amended to read:

92 402.26 Child care; legislative intent.—

93 ~~(6) It is the intent of the Legislature that a child care~~  
94 ~~facility licensed pursuant to s. 402.305 or a child care~~  
95 ~~facility exempt from licensing pursuant to s. 402.316, that~~  
96 ~~achieves Gold Seal Quality status pursuant to s. 402.281, be~~  
97 ~~considered an educational institution for the purpose of~~  
98 ~~qualifying for exemption from ad valorem tax pursuant to s.~~  
99 ~~196.198.~~

100 Section 4. Section 402.281, Florida Statutes, is  
101 transferred, renumbered as section 1002.945, Florida Statutes,  
102 and amended to read:

103 1002.945 ~~402.281~~ Gold Seal Quality Care program.—

104 (1) (a) There is established within the Department of  
105 Education the Gold Seal Quality Care program.

106 (b) A child care facility, large family child care home, or  
107 family day care home that is accredited by an accrediting entity  
108 ~~association~~ approved by the department under subsection (3) and  
109 meets all other requirements shall, upon application to the  
110 department, receive a separate "Gold Seal Quality Care"  
111 designation.

112 (2) The State Board of Education ~~department~~ shall adopt  
113 rules establishing Gold Seal Quality Care accreditation  
114 standards using nationally recognized accrediting standards and  
115 input from accrediting entities ~~based on the applicable~~  
116 ~~accrediting standards of the National Association for the~~

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117 ~~Education of Young Children (NAEYC), the National Association of~~  
118 ~~Family Child Care, and the National Early Childhood Program~~  
119 ~~Accreditation Commission.~~

120 (3) (a) In order to be approved by the department for  
121 participation in the Gold Seal Quality Care program, an  
122 accrediting entity ~~association~~ must apply to the department and  
123 demonstrate that it:

124 1. Has qualified personnel experienced in the accreditation  
125 of child care facilities, large family child care homes, or  
126 family day care homes ~~Is a recognized accrediting association.~~

127 2. Has accrediting standards that substantially meet, or  
128 exceed, the Gold Seal Quality Care standards adopted by the  
129 state board ~~department~~ under subsection (2).

130 3. Has proven expertise with accrediting standards that are  
131 substantially similar to the Gold Seal Quality Care standards  
132 adopted by the state board under subsection (2).

133 4. Is a registered corporation with the Department of  
134 State.

135 5. Can provide evidence that the accreditation process has,  
136 at a minimum, all of the following components:

137 a. Clearly defined prerequisites that a child care provider  
138 must meet before beginning the accreditation process. However,  
139 accreditation may not be granted to a child care facility, large  
140 family child care home, or family day care home before the site  
141 is operational and is attended by children.

142 b. Procedures for completion of a self-study and  
143 comprehensive onsite verification process for each classroom  
144 which documents compliance with accrediting standards.

145 c. A training process for accreditation verifiers to ensure

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146 inter-rater reliability.

147 d. Ongoing compliance procedures that include requiring  
148 each accredited child care facility, large family child care  
149 home, and family day care home to file an annual report with the  
150 accrediting entity and risk-based onsite auditing protocols for  
151 accredited child care facilities, large family child care homes,  
152 and family day care homes.

153 e. Procedures for the revocation of accreditation due to  
154 failure to maintain accrediting standards as evidenced by sub-  
155 paragraph d. or any other relevant information received by  
156 the accrediting entity.

157 f. Accreditation renewal procedures that include an onsite  
158 verification occurring at least every 5 years.

159 g. A process for verifying continued accreditation  
160 compliance in the event of a transfer of ownership of  
161 facilities.

162 h. A process to communicate issues that arise during the  
163 accreditation period with governmental entities that have a  
164 vested interest in the Gold Seal Quality Care program, including  
165 the department, the Department of Children and Families, the  
166 Department of Health, local licensing entities if applicable,  
167 and the early learning coalition.

168 (b) The department shall establish a process that verifies  
169 that the accrediting entity meets the provisions of paragraph  
170 (a), which must include an auditing program and any other  
171 procedures that may reasonably determine an accrediting entity's  
172 compliance with this section. If an accrediting entity is not in  
173 compliance and fails to cure its deficiencies within 30 days,  
174 the department shall recommend to the state board termination of

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175 the accrediting entity's participation in the program for a  
176 period of at least 2 years but not more than 5 years. If an  
177 accrediting entity's participation in the program is terminated,  
178 each child care provider accredited by that entity shall have up  
179 to 1 year to obtain a new accreditation from a department-  
180 approved accrediting entity ~~In approving accrediting~~  
181 ~~associations, the department shall consult with the Department~~  
182 ~~of Education, the Florida Head Start Directors Association, the~~  
183 ~~Florida Association of Child Care Management, the Florida Family~~  
184 ~~Child Care Home Association, the Florida Children's Forum, the~~  
185 ~~Florida Association for the Education of the Young, the Child~~  
186 ~~Development Education Alliance, the Florida Association of~~  
187 ~~Academic Nonpublic Schools, the Association of Early Learning~~  
188 ~~Coalitions, providers receiving exemptions under s. 402.316, and~~  
189 ~~parents.~~

190 (c) If an accrediting entity has granted accreditation to a  
191 child care facility, large family child care home, or family day  
192 care under fraudulent terms or failed to conduct onsite  
193 verifications, the accrediting entity shall be liable for the  
194 repayment of any rate differentials paid under subsection (6).

195 (d) The department may remove an accrediting entity from  
196 being an approved accrediting entity if the accrediting entity  
197 has accredited 10 or fewer child care providers in the previous  
198 5 years.

199 (4) In order to obtain and maintain a designation as a Gold  
200 Seal Quality Care provider, a child care facility, large family  
201 child care home, or family day care home must meet the following  
202 additional criteria:

203 (a) The child care provider must not have had any class I

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204 violations, as defined by rule of the Department of Children and  
205 Families, within the 2 years preceding its application for  
206 designation as a Gold Seal Quality Care provider. Commission of  
207 a class I violation shall be grounds for termination of the  
208 designation as a Gold Seal Quality Care provider until the  
209 provider has no class I violations for a period of 2 years.

210 (b) The child care provider must not have had three or more  
211 class II violations, as defined by rule of the Department of  
212 Children and Families, within the 2 years preceding its  
213 application for designation as a Gold Seal Quality Care  
214 provider. Commission of three or more class II violations within  
215 a 2-year period shall be grounds for termination of the  
216 designation as a Gold Seal Quality Care provider until the  
217 provider has no class II violations for a period of 1 year.

218 (c) The child care provider must not have been cited for  
219 the same class III violation, as defined by rule of the  
220 Department of Children and Families, three or more times and  
221 failed to correct the violation within 1 year after the date of  
222 each citation, within the 2 years preceding its application for  
223 designation as a Gold Seal Quality Care provider. Commission of  
224 the same class III violation three or more times and failure to  
225 correct within the required time during a 2-year period may be  
226 grounds for termination of the designation as a Gold Seal  
227 Quality Care provider until the provider has no class III  
228 violations for a period of 1 year.

229 (d) Notwithstanding paragraph (a), if the department  
230 determines through a formal process that a child care provider  
231 has been in business for at least 5 years and has no other class  
232 I violations recorded, the department may recommend to the state



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233 board that the provider maintain its Gold Seal Quality Care  
234 designation. The state board's determination regarding such  
235 provider's designation is final.

236 (5) A child care facility licensed pursuant to s. 402.305  
237 or a child care facility exempt from licensing pursuant to s.  
238 402.316 which achieves Gold Seal Quality Care designation under  
239 this section shall be considered an educational institution for  
240 the purpose of qualifying for an exemption from ad valorem  
241 taxation under s. 196.198.

242 (6) A child care facility licensed pursuant to s. 402.305  
243 or a child care facility exempt from licensing pursuant to s.  
244 402.316 which achieves Gold Seal Quality Care status under this  
245 section and which participates in the school readiness program  
246 shall receive a minimum of a 20 percent rate differential for  
247 each enrolled school readiness child by care level and unit of  
248 child care.

249 (7)~~(5)~~ The state board ~~Department of Children and Families~~  
250 shall adopt rules under ss. 120.536(1) and 120.54 which provide  
251 criteria and procedures for reviewing and approving accrediting  
252 entities ~~associations~~ for participation in the Gold Seal Quality  
253 Care program and, ~~conferring and revoking designations of Gold~~  
254 Seal Quality Care providers, ~~and classifying violations.~~

255 Section 5. (1) Before July 1, 2026, all powers, duties,  
256 functions, records, offices, personnel, associated  
257 administrative support positions, property, pending issues,  
258 existing contracts, administrative authority, administrative  
259 rules, and unexpended balances of appropriations, allocations,  
260 and other funds relating to the Gold Seal Quality Care program  
261 within the Department of Children and Families are transferred

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262 by a type two transfer, as defined in s. 20.06(2), Florida  
263 Statutes, to the Department of Education.

264 (2) Any binding contract or interagency agreement existing  
265 before July 1, 2021, between the Department of Children and  
266 Families, or an entity or agent of the department, and any other  
267 agency, entity, or person relating to the Gold Seal Quality Care  
268 program shall continue as a binding contract or interagency  
269 agreement for the remainder of the term of the contract or  
270 agreement on the successor entity responsible for the program,  
271 activity, or function relative to the contract or agreement.

272 Section 6. Subsection (5) of section 402.315, Florida  
273 Statutes, is amended to read:

274 402.315 Funding; license fees.—

275 (5) All moneys collected by the department for child care  
276 licensing shall be held in a trust fund of the department to be  
277 reallocated to the department during the following fiscal year  
278 to fund child care licensing activities, including the Gold Seal  
279 Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.

280 Section 7. Paragraph (b) of subsection (3) of section  
281 1002.55, Florida Statutes, is amended to read:

282 1002.55 School-year prekindergarten program delivered by  
283 private prekindergarten providers.—

284 (3) To be eligible to deliver the prekindergarten program,  
285 a private prekindergarten provider must meet each of the  
286 following requirements:

287 (b) The private prekindergarten provider must:

288 1. Be accredited by an accrediting association that is a  
289 member of the National Council for Private School Accreditation,  
290 or the Florida Association of Academic Nonpublic Schools, or be

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291 accredited by the Southern Association of Colleges and Schools,  
292 or Western Association of Colleges and Schools, or North Central  
293 Association of Colleges and Schools, or Middle States  
294 Association of Colleges and Schools, or New England Association  
295 of Colleges and Schools; and have written accreditation  
296 standards that meet or exceed the state's licensing requirements  
297 under s. 402.305, s. 402.313, or s. 402.3131 and require at  
298 least one onsite visit to the provider or school before  
299 accreditation is granted;

300 2. Hold a current Gold Seal Quality Care designation under  
301 s. 1002.945 ~~s. 402.281~~; or

302 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131  
303 and demonstrate, before delivering the Voluntary Prekindergarten  
304 Education Program, as verified by the early learning coalition,  
305 that the provider meets each of the requirements of the program  
306 under this part, including, but not limited to, the requirements  
307 for credentials and background screenings of prekindergarten  
308 instructors under paragraphs (c) and (d), minimum and maximum  
309 class sizes under paragraph (f), prekindergarten director  
310 credentials under paragraph (g), and a developmentally  
311 appropriate curriculum under s. 1002.67(2)(b).

312 Section 8. Paragraph (d) of subsection (7) of section  
313 1002.69, Florida Statutes, is amended to read:

314 1002.69 Statewide kindergarten screening; kindergarten  
315 readiness rates; state-approved prekindergarten enrollment  
316 screening; good cause exemption.—

317 (7)

318 (d) A good cause exemption may not be granted to any  
319 private prekindergarten provider that has any class I violations

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320 or two or more class II violations within the 2 years preceding  
321 the provider's or school's request for the exemption. For  
322 purposes of this paragraph, class I and class II violations have  
323 the same meaning as provided in s. 1002.945(4) ~~s. 402.281(4)~~.

324 Section 9. Paragraph (a) of subsection (1) and paragraph  
325 (a) of subsection (2) of section 1002.895, Florida Statutes, are  
326 amended to read:

327 1002.895 Market rate schedule.—The school readiness program  
328 market rate schedule shall be implemented as follows:

329 (1) The office shall establish procedures for the adoption  
330 of a market rate schedule. The schedule must include, at a  
331 minimum, county-by-county rates:

332 (a) The market rate, including the minimum and the maximum  
333 rates for child care providers that hold a Gold Seal Quality  
334 Care designation under s. 1002.945 ~~s. 402.281~~.

335 (2) The market rate schedule, at a minimum, must:

336 (a) Differentiate rates by type, including, but not limited  
337 to, a child care provider that holds a Gold Seal Quality Care  
338 designation under s. 1002.945 ~~s. 402.281~~, a child care facility  
339 licensed under s. 402.305, a public or nonpublic school exempt  
340 from licensure under s. 402.3025, a faith-based child care  
341 facility exempt from licensure under s. 402.316 that does not  
342 hold a Gold Seal Quality Care designation, a large family child  
343 care home licensed under s. 402.3131, or a family day care home  
344 licensed or registered under s. 402.313.

345 Section 10. This act shall take effect upon becoming a law.