

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Education & Employment
2 Committee

3 Representative Omphroy offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 87-243 and insert:

7 Section 4: Section 402.281, Florida Statutes, is
8 transferred, renumbered as section 1002.945, Florida Statutes,
9 and amended to read:

10 1002.945 ~~402.281~~ Gold Seal Quality Care program.—

11 (1) (a) There is established within the Department of
12 Education the Gold Seal Quality Care Program.

13 (b) A child care facility, large family child care home,
14 or family day care home that is accredited by an accrediting
15 association approved by the Department of Education under
16 subsection (3) and meets all other requirements shall, upon

Amendment No. 1

17 application to the department, receive a separate "Gold Seal
18 Quality Care" designation.

19 (2) The State Board of Education ~~department~~ shall adopt
20 rules establishing Gold Seal Quality Care accreditation
21 standards using nationally recognized accrediting standards and
22 input from accrediting associations ~~based on the applicable~~
23 ~~accrediting standards of the National Association for the~~
24 ~~Education of Young Children (NAEYC), the National Association of~~
25 ~~Family Child Care, and the National Early Childhood Program~~
26 ~~Accreditation Commission.~~

27 (3) (a) In order to be approved by the Department of
28 Education for participation in the Gold Seal Quality Care
29 program, an accrediting association must apply to the department
30 and demonstrate that it:

31 1. Is a recognized accrediting association.

32 2. Has accrediting standards that substantially meet or
33 exceed the Gold Seal Quality Care standards adopted by the state
34 board ~~department~~ under subsection (2).

35 3. Is a registered corporation with the Department of
36 State.

37 4. Can provide evidence that the process for accreditation
38 has, at a minimum, all of the following components:

39 a. Clearly defined prerequisites that a child care
40 provider must meet before beginning the accreditation process.

41 However, accreditation may not be granted to a child care

Amendment No. 1

42 facility, large family child care home, or family day care home
43 before the site is operational and is attended by children.

44 b. Procedures for completion of a self-study and
45 comprehensive onsite verification process for each classroom
46 that documents compliance with accrediting standards.

47 c. A training process for accreditation verifiers to
48 ensure inter-rater reliability.

49 d. Ongoing compliance procedures that include requiring
50 each accredited child care facility, large family child care
51 home, and family day care home to file an annual report with the
52 accrediting association and risk-based, onsite auditing
53 protocols for accredited child care facilities, large family
54 child care homes, and family day care homes.

55 e. Procedures for the revocation of accreditation due to
56 failure to maintain accrediting standards as evidenced by sub-
57 subparagraph d. or any other relevant information received by
58 the accrediting association.

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

61 g. A process for verifying continued accreditation
62 compliance in the event of a transfer of ownership of
63 facilities.

64 h. A process to communicate issues that arise during the
65 accreditation period with governmental entities that have a
66 vested interest in the Gold Seal Quality Care Program, including

Amendment No. 1

67 the Department of Education, the Department of Children and
68 Families, the Department of Health, local licensing entities if
69 applicable, and the early learning coalition.

70 (b) The Department of Education shall establish a process
71 that verifies that the accrediting association meets the
72 provisions of paragraph (a), which must include an auditing
73 program and any other procedures that may reasonably determine
74 an accrediting association's compliance with this section. If an
75 accrediting association is not in compliance and fails to cure
76 its deficiencies within 30 days, the department shall recommend
77 to the state board termination of the accrediting association's
78 participation as an accrediting association in the program for a
79 period of at least 2 years but no more than 5 years. If an
80 accrediting association is removed from being an approved
81 accrediting association, each child care provider accredited by
82 that association shall have up to 1 year to obtain a new
83 accreditation from a department approved accreditation
84 association.

85 (c) If an accrediting association has granted
86 accreditation to a child care facility, large family child care
87 home, or family day care under fraudulent terms or failed to
88 conduct onsite verifications, the accrediting association shall
89 be liable for the repayment of any rate differentials paid under
90 subsection (6).

Amendment No. 1

91 (d) The department may remove an accrediting association
92 from being an approved accrediting association if the
93 accrediting association has accredited 10 of fewer child care
94 providers in the previous 5 years.

95 ~~(b) In approving accrediting associations, the department~~
96 ~~shall consult with the Department of Education, the Florida Head~~
97 ~~Start Directors Association, the Florida Association of Child~~
98 ~~Care Management, the Florida Family Child Care Home Association,~~
99 ~~the Florida Children's Forum, the Florida Association for the~~
100 ~~Education of the Young, the Child Development Education~~
101 ~~Alliance, the Florida Association of Academic Nonpublic Schools,~~
102 ~~the Association of Early Learning Coalitions, providers~~
103 ~~receiving exemptions under s. 402.316, and parents.~~

104
105 Notwithstanding the requirement in subparagraph (3)(a)1., an
106 entity that has qualified personnel experienced in the
107 accreditation of child care facilities, large family child care
108 homes, or family day care homes, has proven expertise with
109 accrediting standards that are substantially similar to the Gold
110 Seal Quality Care standards adopted by the state board under
111 subsection (2), and satisfies all other requirements of
112 paragraph (a) may be approved by the Department of Education for
113 participation as an accrediting entity in the Gold Seal Quality
114 Care program.

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Amendment No. 1

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

120 (a) The child care provider must not have had any class I
121 violations, as defined by rule of the Department of Children and
122 Families, within the 2 years preceding its application for
123 designation as a Gold Seal Quality Care provider. Commission of
124 a class I violation shall be grounds for termination of the
125 designation as a Gold Seal Quality Care provider until the
126 provider has no class I violations for a period of 2 years.

127 (b) The child care provider must not have had three or
128 more class II violations, as defined by rule of the Department
129 of Children and Families, within the 2 years preceding its
130 application for designation as a Gold Seal Quality Care
131 provider. Commission of three or more class II violations within
132 a 2-year period shall be grounds for termination of the
133 designation as a Gold Seal Quality Care provider until the
134 provider has no class II violations for a period of 1 year.

135 (c) The child care provider must not have been cited for
136 the same class III violation, as defined by rule of the
137 Department of Children and Families, three or more times and
138 failed to correct the violation within 1 year after the date of
139 each citation, within the 2 years preceding its application for
140 designation as a Gold Seal Quality Care provider. Commission of

Amendment No. 1

141 the same class III violation three or more times and failure to
142 correct within the required time during a 2-year period may be
143 grounds for termination of the designation as a Gold Seal
144 Quality Care provider until the provider has no class III
145 violations for a period of 1 year.

146 (d) Notwithstanding paragraph (a), if the Department of
147 Education determines through a formal process that a provider
148 has been in business for at least 5 years and has no other class
149 I violations recorded, the department may recommend to the state
150 board that the provider maintain its Gold Seal Quality Care
151 status. The state board's determination regarding such
152 provider's status is final.

153 (5) A child care facility licensed under s. 402.305 or a
154 child care facility exempt from licensing under s. 402.316 which
155 achieves Gold Seal Quality status under this section shall be
156 considered an educational institution for the purpose of
157 qualifying for exemption from ad valorem tax under s. 196.198.

158 (6) A child care facility licensed under s. 402.305 or a
159 child care facility exempt from licensing pursuant to s. 402.316
160 which achieves Gold Seal Quality status under this section and
161 which participates in the school readiness program shall receive
162 a minimum of a 20 percent rate differential for each enrolled
163 school readiness child by care level and unit of child care.

164 (7)-(5) The ~~state board~~ Department of Children and Families
165 shall adopt rules under ss. 120.536(1) and 120.54 which provide

Amendment No. 1

166 criteria and procedures for reviewing and approving accrediting
167 associations for participation in the Gold Seal Quality Care
168 program and, conferring and revoking designations of Gold Seal
169 Quality Care providers, and classifying violations.

170 Section 5. (1) All powers, duties,
171
172

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174 **T I T L E A M E N D M E N T**

175 Remove lines 5-24 and insert:

176 made by the act; transferring, renumbering, and amending s.
177 402.281, F.S.; revising the requirements of the Gold Seal
178 Quality Care program; requiring the State Board of Education to
179 adopt specified rules; revising accrediting association
180 requirements; providing requirements for accrediting
181 associations; requiring the department to adopt a specified
182 process; providing requirements for such process; deleting a
183 requirement for the department to consult certain entities for
184 specified purposes; specifying requirements for an accrediting
185 entity; providing requirements for certain providers to maintain
186 Gold Seal Quality Care status; providing exemptions to certain
187 ad valorem taxes; providing rate differentials to certain
188 providers; providing a type two transfer of the Gold Seal
189 Quality Care program within the Department of Children and

Amendment No. 1

190 Families to the Department of Education; providing for the
191 continuation of certain