

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 specified
13 process and providing requirements therefor; deleting
14 a provision requiring consultation with certain
15 entities for specified purposes; authorizing the
16 Department of Education to recommend the maintenance
17 of Gold Seal Quality Care designation for certain
18 child care facilities; providing an exemption from ad
19 valorem taxation and rate differentials for certain
20 child care facilities; providing for a type two
21 transfer of the Gold Seal Quality Care program within
22 the Department of Children and Families to the
23 Department of Education within a specified time
24 period; providing for the continuation of certain
25 contracts and agreements; amending ss. 402.315,

26 | 1002.55, 1002.69, and 1002.895, F.S.; conforming
 27 | cross-references to changes made by the act; providing
 28 | an effective date.

30 | Be It Enacted by the Legislature of the State of Florida:

32 | Section 1. Paragraph (b) of subsection (5) of section
 33 | 39.604, Florida Statutes, is amended to read:

34 | 39.604 Rilya Wilson Act; short title; legislative intent;
 35 | child care; early education; preschool.—

36 | (5) EDUCATIONAL STABILITY.—Just as educational stability
 37 | is important for school-age children, it is also important to
 38 | minimize disruptions to secure attachments and stable
 39 | relationships with supportive caregivers of children from birth
 40 | to school age and to ensure that these attachments are not
 41 | disrupted due to placement in out-of-home care or subsequent
 42 | changes in out-of-home placement.

43 | (b) If it is not in the best interest of the child for him
 44 | or her to remain in his or her child care or early education
 45 | setting upon entry into out-of-home care, the caregiver must
 46 | work with the case manager, guardian ad litem, child care and
 47 | educational staff, and educational surrogate, if one has been
 48 | appointed, to determine the best setting for the child. Such
 49 | setting may be a child care provider that receives a Gold Seal
 50 | Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a

51 provider participating in a quality rating system, a licensed
 52 child care provider, a public school provider, or a license-
 53 exempt child care provider, including religious-exempt and
 54 registered providers, and nonpublic schools.

55 Section 2. Paragraph (m) of subsection (5) of section
 56 212.08, Florida Statutes, is amended to read:

57 212.08 Sales, rental, use, consumption, distribution, and
 58 storage tax; specified exemptions.—The sale at retail, the
 59 rental, the use, the consumption, the distribution, and the
 60 storage to be used or consumed in this state of the following
 61 are hereby specifically exempt from the tax imposed by this
 62 chapter.

63 (5) EXEMPTIONS; ACCOUNT OF USE.—

64 (m) Educational materials purchased by certain child care
 65 facilities.—Educational materials, such as glue, paper, paints,
 66 crayons, unique craft items, scissors, books, and educational
 67 toys, purchased by a child care facility that meets the
 68 standards delineated in s. 402.305, is licensed under s.
 69 402.308, holds a current Gold Seal Quality Care designation
 70 pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health
 71 insurance to all employees are exempt from the taxes imposed by
 72 this chapter. For purposes of this paragraph, the term "basic
 73 health insurance" shall be defined and promulgated in rules
 74 developed jointly by the Department of Children and Families,
 75 the Agency for Health Care Administration, and the Financial

76 Services Commission.

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

79 402.26 Child care; legislative intent.—

80 ~~(6) It is the intent of the Legislature that a child care~~
81 ~~facility licensed pursuant to s. 402.305 or a child care~~
82 ~~facility exempt from licensing pursuant to s. 402.316, that~~
83 ~~achieves Gold Seal Quality status pursuant to s. 402.281, be~~
84 ~~considered an educational institution for the purpose of~~
85 ~~qualifying for exemption from ad valorem tax pursuant to s.~~
86 ~~196.198.~~

87 Section 4. Section 402.281, Florida Statutes, is
88 transferred, renumbered as section 1002.945, Florida Statutes,
89 and amended to read:

90 1002.945 ~~402.281~~ Gold Seal Quality Care program.—

91 (1) (a) There is established within the department the Gold
92 Seal Quality Care Program.

93 (b) A child care facility, large family child care home,
94 or family day care home that is accredited by an accrediting
95 entity ~~association~~ approved by the department under subsection
96 (3) and meets all other requirements shall, upon application to
97 the department, receive a separate "Gold Seal Quality Care"
98 designation.

99 (2) The State Board of Education ~~department~~ shall adopt
100 rules establishing Gold Seal Quality Care accreditation

101 standards using nationally recognized accrediting standards and
102 input from accrediting entities based on the applicable
103 ~~accrediting standards of the National Association for the~~
104 ~~Education of Young Children (NAEYC), the National Association of~~
105 ~~Family Child Care, and the National Early Childhood Program~~
106 ~~Accreditation Commission.~~

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

111 1. Has qualified personnel experienced in the
112 accreditation of child care facilities, large family child care
113 homes, or family day care homes ~~is a recognized accrediting~~
114 ~~association.~~

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

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

121 4. Is a registered corporation with the Department of
122 State.

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

125 a. Clearly defined prerequisites that a child care

126 provider must meet before beginning the accreditation process.
127 However, accreditation may not be granted to a child care
128 facility, large family child care home, or family day care home
129 before the site is operational and is attended by children.

130 b. Procedures for completion of a self-study and
131 comprehensive onsite verification process for each classroom
132 that documents compliance with accrediting standards.

133 c. A training process for accreditation verifiers to
134 ensure inter-rater reliability.

135 d. Ongoing compliance procedures that include requiring
136 each accredited child care facility, large family child care
137 home, and family day care home to file an annual report with the
138 accrediting entity and risk-based, onsite auditing protocols for
139 accredited child care facilities, large family child care homes,
140 and family day care homes.

141 e. Procedures for the revocation of accreditation due to
142 failure to maintain accrediting standards as evidenced by sub-
143 subparagraph d. or any other relevant information received by
144 the accrediting entity.

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

147 g. A process for verifying continued accreditation
148 compliance in the event of a transfer of ownership of
149 facilities.

150 h. A process to communicate issues that arise during the

151 accreditation period with governmental entities that have a
152 vested interest in the Gold Seal Quality Care Program, including
153 the department, the Department of Children and Families, the
154 Department of Health, local licensing entities if applicable,
155 and the early learning coalition.

156 (b) The department shall establish a process that verifies
157 that the accrediting entity meets the provisions of paragraph
158 (a), which must include an auditing program and any other
159 procedures that may reasonably determine an accrediting entity's
160 compliance with this section. If an accrediting entity is not in
161 compliance and fails to cure its deficiencies within 30 days,
162 the department shall recommend to the state board termination of
163 the accrediting entity's participation in the program for a
164 period of at least 2 years but not more than 5 years. If an
165 accrediting entity's participation in the program is terminated,
166 each child care provider accredited by that entity shall have up
167 to 1 year to obtain a new accreditation from a department-
168 approved accreditation entity.

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

174 (d) The department may remove an accrediting entity from
175 being an approved accrediting entity if the accrediting entity

176 has accredited 10 or fewer child care providers in the previous
177 5 years.

178 ~~(b) In approving accrediting associations, the department~~
179 ~~shall consult with the Department of Education, the Florida Head~~
180 ~~Start Directors Association, the Florida Association of Child~~
181 ~~Care Management, the Florida Family Child Care Home Association,~~
182 ~~the Florida Children's Forum, the Florida Association for the~~
183 ~~Education of the Young, the Child Development Education~~
184 ~~Alliance, the Florida Association of Academic Nonpublic Schools,~~
185 ~~the Association of Early Learning Coalitions, providers~~
186 ~~receiving exemptions under s. 402.316, and parents.~~

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

191 (a) The child care provider must not have had any class I
192 violations, as defined by rule of the Department of Children and
193 Families, within the 2 years preceding its application for
194 designation as a Gold Seal Quality Care provider. Commission of
195 a class I violation shall be grounds for termination of the
196 designation as a Gold Seal Quality Care provider until the
197 provider has no class I violations for a period of 2 years.

198 (b) The child care provider must not have had three or
199 more class II violations, as defined by rule of the Department
200 of Children and Families, within the 2 years preceding its

201 application for designation as a Gold Seal Quality Care
202 provider. Commission of three or more class II violations within
203 a 2-year period shall be grounds for termination of the
204 designation as a Gold Seal Quality Care provider until the
205 provider has no class II violations for a period of 1 year.

206 (c) The child care provider must not have been cited for
207 the same class III violation, as defined by rule of the
208 Department of Children and Families, three or more times and
209 failed to correct the violation within 1 year after the date of
210 each citation, within the 2 years preceding its application for
211 designation as a Gold Seal Quality Care provider. Commission of
212 the same class III violation three or more times and failure to
213 correct within the required time during a 2-year period may be
214 grounds for termination of the designation as a Gold Seal
215 Quality Care provider until the provider has no class III
216 violations for a period of 1 year.

217 (d) Notwithstanding paragraph (a), if the department
218 determines through a formal process that a child care provider
219 has been in business for at least 5 years and has no other class
220 I violations recorded, the department may recommend to the state
221 board that the provider maintain its Gold Seal Quality Care
222 designation. The state board's determination regarding such
223 provider's designation is final.

224 (5) A child care facility licensed pursuant to s. 402.305
225 or a child care facility exempt from licensing pursuant to s.

226 402.316 which achieves Gold Seal Quality Care designation under
227 this section shall be considered an educational institution for
228 the purpose of qualifying for an exemption from ad valorem
229 taxation under s. 196.198.

230 (6) A child care facility licensed pursuant to s. 402.305
231 or a child care facility exempt from licensing pursuant to s.
232 402.316 which achieves Gold Seal Quality Care status under this
233 section and which participates in the school readiness program
234 shall receive a minimum of a 20 percent rate differential for
235 each enrolled school readiness child by care level and unit of
236 child care.

237 (7)-(5) The state board ~~Department of Children and Families~~
238 shall adopt rules under ss. 120.536(1) and 120.54 which provide
239 criteria and procedures for reviewing and approving accrediting
240 entities ~~associations~~ for participation in the Gold Seal Quality
241 Care program and, ~~conferring and revoking designations of Gold~~
242 ~~Seal Quality Care providers, and classifying violations.~~

243 Section 5. (1) Before July 1, 2026, all powers, duties,
244 functions, records, offices, personnel, associated
245 administrative support positions, property, pending issues,
246 existing contracts, administrative authority, administrative
247 rules, and unexpended balances of appropriations, allocations,
248 and other funds relating to the Gold Seal Quality Care program
249 within the Department of Children and Families are transferred
250 by a type two transfer, as defined in s. 20.06(2), Florida

251 Statutes, to the Department of Education.

252 (2) Any binding contract or interagency agreement existing
253 before July 1, 2021, between the Department of Children and
254 Families, or an entity or agent of the department, and any other
255 agency, entity, or person relating to the Gold Seal Quality Care
256 program shall continue as a binding contract or interagency
257 agreement for the remainder of the term of the contract or
258 agreement on the successor entity responsible for the program,
259 activity, or function relative to the contract or agreement.

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

262 402.315 Funding; license fees.—

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

268 Section 7. Paragraph (b) of subsection (3) of section
269 1002.55, Florida Statutes, is amended to read:

270 1002.55 School-year prekindergarten program delivered by
271 private prekindergarten providers.—

272 (3) To be eligible to deliver the prekindergarten program,
273 a private prekindergarten provider must meet each of the
274 following requirements:

275 (b) The private prekindergarten provider must:

276 1. Be accredited by an accrediting association that is a
 277 member of the National Council for Private School Accreditation,
 278 or the Florida Association of Academic Nonpublic Schools, or be
 279 accredited by the Southern Association of Colleges and Schools,
 280 or Western Association of Colleges and Schools, or North Central
 281 Association of Colleges and Schools, or Middle States
 282 Association of Colleges and Schools, or New England Association
 283 of Colleges and Schools; and have written accreditation
 284 standards that meet or exceed the state's licensing requirements
 285 under s. 402.305, s. 402.313, or s. 402.3131 and require at
 286 least one onsite visit to the provider or school before
 287 accreditation is granted;

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

290 3. Be licensed under s. 402.305, s. 402.313, or s.
 291 402.3131 and demonstrate, before delivering the Voluntary
 292 Prekindergarten Education Program, as verified by the early
 293 learning coalition, that the provider meets each of the
 294 requirements of the program under this part, including, but not
 295 limited to, the requirements for credentials and background
 296 screenings of prekindergarten instructors under paragraphs (c)
 297 and (d), minimum and maximum class sizes under paragraph (f),
 298 prekindergarten director credentials under paragraph (g), and a
 299 developmentally appropriate curriculum under s. 1002.67(2)(b).

300 Section 8. Paragraph (d) of subsection (7) of section

301 1002.69, Florida Statutes, is amended to read:

302 1002.69 Statewide kindergarten screening; kindergarten
 303 readiness rates; state-approved prekindergarten enrollment
 304 screening; good cause exemption.—

305 (7)

306 (d) A good cause exemption may not be granted to any
 307 private prekindergarten provider that has any class I violations
 308 or two or more class II violations within the 2 years preceding
 309 the provider's or school's request for the exemption. For
 310 purposes of this paragraph, class I and class II violations have
 311 the same meaning as provided in s. 1002.945(4) ~~s. 402.281(4)~~.

312 Section 9. Paragraph (a) of subsection (1) and paragraph
 313 (a) of subsection (2) of section 1002.895, Florida Statutes, are
 314 amended to read:

315 1002.895 Market rate schedule.—The school readiness
 316 program market rate schedule shall be implemented as follows:

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

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

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

324 (a) Differentiate rates by type, including, but not
 325 limited to, a child care provider that holds a Gold Seal Quality

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326 Care designation under s. 1002.945 ~~s. 402.281~~, a child care
327 facility licensed under s. 402.305, a public or nonpublic school
328 exempt from licensure under s. 402.3025, a faith-based child
329 care facility exempt from licensure under s. 402.316 that does
330 not hold a Gold Seal Quality Care designation, a large family
331 child care home licensed under s. 402.3131, or a family day care
332 home licensed or registered under s. 402.313.

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