

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 association
10 to be approved for participation in such program;
11 requiring the Department of Education to establish a
12 specified process and providing requirements therefor;
13 deleting a provision requiring consultation with
14 certain entities for specified purposes; authorizing
15 certain entities to participate as an accrediting
16 association; authorizing the Department of Education
17 to recommend the maintenance of Gold Seal Quality Care
18 designation for certain child care facilities;
19 providing an exemption from ad valorem taxation and
20 rate differentials for certain child care facilities;
21 providing for a type two transfer of the Gold Seal
22 Quality Care program within the Department of Children
23 and Families to the Department of Education; providing
24 for the continuation of certain contracts and
25 agreements; amending ss. 402.315, 1002.55, 1002.69,

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

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

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

33 39.604 Rilya Wilson Act; short title; legislative intent;
 34 child care; early education; preschool.—

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

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

51 child care provider, a public school provider, or a license-
52 exempt child care provider, including religious-exempt and
53 registered providers, and nonpublic schools.

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

56 212.08 Sales, rental, use, consumption, distribution, and
57 storage tax; specified exemptions.—The sale at retail, the
58 rental, the use, the consumption, the distribution, and the
59 storage to be used or consumed in this state of the following
60 are hereby specifically exempt from the tax imposed by this
61 chapter.

62 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

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

78 402.26 Child care; legislative intent.—

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

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

89 1002.945 ~~402.281~~ Gold Seal Quality Care program.—

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

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

98 (2) The State Board of Education ~~department~~ shall adopt
 99 rules establishing Gold Seal Quality Care accreditation
 100 standards using nationally recognized accrediting standards and

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

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

110 1. Is a recognized accrediting association.

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

114 3. Is a registered corporation with the Department of
115 State.

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

118 a. Clearly defined prerequisites that a child care
119 provider must meet before beginning the accreditation process.
120 However, accreditation may not be granted to a child care
121 facility, large family child care home, or family day care home
122 before the site is operational and is attended by children.

123 b. Procedures for completion of a self-study and
124 comprehensive onsite verification process for each classroom
125 that documents compliance with accrediting standards.

126 c. A training process for accreditation verifiers to
127 ensure inter-rater reliability.

128 d. Ongoing compliance procedures that include requiring
129 each accredited child care facility, large family child care
130 home, and family day care home to file an annual report with the
131 accrediting association and risk-based, onsite auditing
132 protocols for accredited child care facilities, large family
133 child care homes, and family day care homes.

134 e. Procedures for the revocation of accreditation due to
135 failure to maintain accrediting standards as evidenced by sub-
136 subparagraph d. or any other relevant information received by
137 the accrediting association.

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

140 g. A process for verifying continued accreditation
141 compliance in the event of a transfer of ownership of
142 facilities.

143 h. A process to communicate issues that arise during the
144 accreditation period with governmental entities that have a
145 vested interest in the Gold Seal Quality Care program, including
146 the Department of Education, the Department of Children and
147 Families, the Department of Health, local licensing entities if
148 applicable, and the early learning coalition.

149 (b) The Department of Education shall establish a process
150 that verifies that the accrediting association meets the

151 provisions of paragraph (a), which must include an auditing
152 program and any other procedures that may reasonably determine
153 an accrediting association's compliance with this section. If an
154 accrediting association is not in compliance and fails to cure
155 its deficiencies within 30 days, the department shall recommend
156 to the state board termination of the accrediting association's
157 participation as an accrediting association in the program for a
158 period of at least 2 years but not more than 5 years. If an
159 accrediting association is removed from being an approved
160 accrediting association, each child care provider accredited by
161 that association shall have up to 1 year to obtain a new
162 accreditation from a department approved accrediting
163 association.

164 (c) If an accrediting association has granted
165 accreditation to a child care facility, large family child care
166 home, or family day care under fraudulent terms or failed to
167 conduct onsite verifications, the accrediting association shall
168 be liable for the repayment of any rate differentials paid under
169 subsection (6).

170 (d) The department may remove an accrediting association
171 from being an approved accrediting association if the
172 accrediting association has accredited 10 or fewer child care
173 providers in the previous 5 years.

174 ~~(b) In approving accrediting associations, the department~~
175 ~~shall consult with the Department of Education, the Florida Head~~

176 ~~Start Directors Association, the Florida Association of Child~~
177 ~~Care Management, the Florida Family Child Care Home Association,~~
178 ~~the Florida Children's Forum, the Florida Association for the~~
179 ~~Education of the Young, the Child Development Education~~
180 ~~Alliance, the Florida Association of Academic Nonpublic Schools,~~
181 ~~the Association of Early Learning Coalitions, providers~~
182 ~~receiving exemptions under s. 402.316, and parents.~~

183
184 Notwithstanding the requirement in subparagraph (a)1., an entity
185 that has qualified personnel experienced in the accreditation of
186 child care facilities, large family child care homes, or family
187 day care homes, has proven expertise with accrediting standards
188 that are substantially similar to the Gold Seal Quality Care
189 standards adopted by the state board under subsection (2), and
190 satisfies all other requirements of paragraph (a) may be
191 approved by the Department of Education for participation as an
192 accrediting association in the Gold Seal Quality Care program.

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

197 (a) The child care provider must not have had any class I
198 violations, as defined by rule of the Department of Children and
199 Families, within the 2 years preceding its application for
200 designation as a Gold Seal Quality Care provider. Commission of

201 a class I violation shall be grounds for termination of the
202 designation as a Gold Seal Quality Care provider until the
203 provider has no class I violations for a period of 2 years.

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

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

223 (d) Notwithstanding paragraph (a), if the Department of
224 Education determines through a formal process that a provider
225 has been in business for at least 5 years and has no other class

226 I violations recorded, the department may recommend to the state
227 board that the provider maintain its Gold Seal Quality Care
228 status. The state board's determination regarding such
229 provider's status is final.

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

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

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

247 Section 5. (1) All powers, duties, functions, records,
248 offices, personnel, associated administrative support positions,
249 property, pending issues, existing contracts, administrative
250 authority, administrative rules, and unexpended balances of

251 appropriations, allocations, and other funds relating to the
252 Gold Seal Quality Care program within the Department of Children
253 and Families are transferred by a type two transfer, as defined
254 in s. 20.06(2), Florida Statutes, to the Department of
255 Education.

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

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

266 402.315 Funding; license fees.—

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

272 Section 7. Paragraph (b) of subsection (3) of section
273 1002.55, Florida Statutes, is amended to read:

274 1002.55 School-year prekindergarten program delivered by
275 private prekindergarten providers.—

276 (3) To be eligible to deliver the prekindergarten program,
 277 a private prekindergarten provider must meet each of the
 278 following requirements:

279 (b) The private prekindergarten provider must:

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

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

294 3. Be licensed under s. 402.305, s. 402.313, or s.
 295 402.3131 and demonstrate, before delivering the Voluntary
 296 Prekindergarten Education Program, as verified by the early
 297 learning coalition, that the provider meets each of the
 298 requirements of the program under this part, including, but not
 299 limited to, the requirements for credentials and background
 300 screenings of prekindergarten instructors under paragraphs (c)

301 and (d), minimum and maximum class sizes under paragraph (f),
 302 prekindergarten director credentials under paragraph (g), and a
 303 developmentally appropriate curriculum under s. 1002.67(2)(b).

304 Section 8. Paragraph (d) of subsection (7) of section
 305 1002.69, Florida Statutes, is amended to read:

306 1002.69 Statewide kindergarten screening; kindergarten
 307 readiness rates; state-approved prekindergarten enrollment
 308 screening; good cause exemption.—

309 (7)

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

316 Section 9. Paragraph (a) of subsection (1) and paragraph
 317 (a) of subsection (2) of section 1002.895, Florida Statutes, are
 318 amended to read:

319 1002.895 Market rate schedule.—The school readiness
 320 program market rate schedule shall be implemented as follows:

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

324 (a) The market rate, including the minimum and the maximum
 325 rates for child care providers that hold a Gold Seal Quality

326 Care designation under s. 1002.945 ~~s. 402.281~~.

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

328 (a) Differentiate rates by type, including, but not
329 limited to, a child care provider that holds a Gold Seal Quality
330 Care designation under s. 1002.945 ~~s. 402.281~~, a child care
331 facility licensed under s. 402.305, a public or nonpublic school
332 exempt from licensure under s. 402.3025, a faith-based child
333 care facility exempt from licensure under s. 402.316 that does
334 not hold a Gold Seal Quality Care designation, a large family
335 child care home licensed under s. 402.3131, or a family day care
336 home licensed or registered under s. 402.313.

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