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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2023	.	
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The Committee on Finance and Tax (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 122 - 771

and insert:

Section 1. Present subsections (15) through (18) of section 402.302, Florida Statutes, are redesignated as subsections (16) through (19), respectively, and a new subsection (15) is added to that section, to read:

402.302 Definitions.—As used in this chapter, the term:  
(15) "Preschool" means any child care facility licensed



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11 under s. 402.305 that serves children under 5 years of age.

12 Section 2. Present paragraph (g) of subsection (2) of  
13 section 402.305, Florida Statutes, is redesignated as paragraph  
14 (f), present subsection (18) is redesignated as subsection (17),  
15 and paragraphs (a) and (b) of subsection (1), paragraphs (a) and  
16 (e) and present paragraph (f) of subsection (2), paragraph (a)  
17 of subsection (7), paragraphs (b) and (c) of subsection (9),  
18 subsection (13), and present subsection (17) of that section are  
19 amended, to read:

20 402.305 Licensing standards; child care facilities.—

21 (1) LICENSING STANDARDS.—The department shall establish  
22 licensing standards that each licensed child care facility must  
23 meet regardless of the origin or source of the fees used to  
24 operate the facility or the type of children served by the  
25 facility.

26 (a) The standards shall be designed to address the  
27 ~~following areas:~~

28 ~~1. the health, sanitation, safety, and sanitary adequate~~  
29 ~~physical conditions surroundings for all children served by in~~  
30 ~~child care facilities.~~

31 ~~2. The health and nutrition of all children in child care.~~

32 ~~3. The child development needs of all children in child~~  
33 ~~care.~~

34 (b) Fire safety regulations for child care facilities will  
35 be directed ~~All standards established under ss. 402.301-402.319~~  
36 ~~must be consistent with the rules adopted by the State Fire~~  
37 ~~Marshal for child care facilities.~~ However, if the facility is  
38 operated in a public school, the department must ~~shall~~ use the  
39 public school fire code, as provided in the rules of the State



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40 Board of Education, as the minimum standard for firesafety.

41 (2) PERSONNEL.—Minimum standards for child care personnel  
42 shall include minimum requirements as to:

43 (a) Good moral character based upon screening as defined in  
44 s. 402.302 ~~s. 402.302(15)~~. This screening shall be conducted as  
45 provided in chapter 435, using the level 2 standards for  
46 screening provided set forth in that chapter, and include  
47 employment history checks, a search of criminal history records,  
48 sexual predator and sexual offender registries, and child abuse  
49 and neglect registry of any state in which the current or  
50 prospective child care personnel resided during the preceding 5  
51 years. The department shall complete the screening and provide  
52 the results to the child care facility within 5 business days.  
53 If the department is unable to complete the screening within 5  
54 business days, the department must issue the current or  
55 prospective child care personnel a 45-day provisional hire  
56 status while all required information is being requested and the  
57 department is awaiting results. During the 45-day period, the  
58 current or prospective child care personnel must be under the  
59 direct supervision of a screened and trained staff member when  
60 in contact with children.

61 (e) Minimum training requirements for child care personnel.

62 1. Such minimum standards for training shall ensure that  
63 all child care personnel take an approved 40-clock-hour  
64 introductory course in child care, which course covers ~~at least~~  
65 the following topic areas:

66 a. State and local rules and regulations which govern child  
67 care.

68 b. Health, safety, and nutrition.



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69           c. Identifying and reporting child abuse and neglect.  
70           d. Child development, including typical and atypical  
71 language, cognitive, motor, social, and self-help skills  
72 development.  
73           e. Observation of developmental behaviors, including using  
74 a checklist or other similar observation tools and techniques to  
75 determine the child's developmental age level.  
76           f. Specialized areas, including computer technology for  
77 professional and classroom use and early literacy and language  
78 development of children from birth to 5 years of age, as  
79 determined by the department, for owner-operators and child care  
80 personnel of a child care facility.  
81           g. Developmental disabilities, including autism spectrum  
82 disorder and Down syndrome, and early identification, use of  
83 available state and local resources, classroom integration, and  
84 positive behavioral supports for children with developmental  
85 disabilities.  
86           h. Online training coursework, provided at no cost by the  
87 department, to meet minimum training standards for child care  
88 personnel.  
89  
90 Within 90 days after employment, child care personnel shall  
91 begin training to meet the training requirements. Child care  
92 personnel shall successfully complete such training within 1  
93 year after the date on which the training began, as evidenced by  
94 passage of an in-person or online a competency examination.  
95 Successful completion of the 40-clock-hour introductory course  
96 shall articulate into community college credit in early  
97 childhood education, pursuant to ss. 1007.24 and 1007.25.



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98 Exemption from all or a portion of the required training shall  
99 be granted to child care personnel based upon educational  
100 credentials or passage of competency examinations. Child care  
101 personnel possessing a 2-year degree or higher that includes 6  
102 college credit hours in early childhood development or child  
103 growth and development, or a child development associate  
104 credential or an equivalent state-approved child development  
105 associate credential, or a child development associate waiver  
106 certificate shall be automatically exempted from the training  
107 requirements in sub-subparagraphs b., d., and e.

108 ~~2. The introductory course in child care shall stress, to~~  
109 ~~the extent possible, an interdisciplinary approach to the study~~  
110 ~~of children.~~

111 ~~2.3.~~ The introductory course shall cover recognition and  
112 prevention of shaken baby syndrome; prevention of sudden infant  
113 death syndrome; recognition and care of infants and toddlers  
114 with developmental disabilities, including autism spectrum  
115 disorder and Down syndrome; and early childhood brain  
116 development within the topic areas identified in this paragraph.

117 ~~3.4.~~ On an annual basis in order to further their child  
118 care skills and, if appropriate, administrative skills, child  
119 care personnel who have fulfilled the requirements for the child  
120 care training shall be required to take an additional 1  
121 continuing education unit of approved inservice training, or 10  
122 clock hours of equivalent training, as determined by the  
123 department.

124 ~~4.5.~~ Child care personnel shall be required to complete 0.5  
125 continuing education unit of approved training or 5 clock hours  
126 of equivalent training, as determined by the department, in



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127 early literacy and language development of children from birth  
128 to 5 years of age one time. The year that this training is  
129 completed, it shall fulfill the 0.5 continuing education unit or  
130 5 clock hours of the annual training required in subparagraph 3.  
131 4.

132 5.6. Procedures for ensuring the training of qualified  
133 child care professionals to provide training of child care  
134 personnel, including onsite training, shall be included in the  
135 minimum standards. It is recommended that the state community  
136 child care coordination agencies (central agencies) be  
137 contracted by the department to coordinate such training when  
138 possible. Other district educational resources, such as  
139 community colleges and career programs, can be designated in  
140 such areas where central agencies may not exist or are  
141 determined not to have the capability to meet the coordination  
142 requirements set forth by the department.

143 6.7. Training requirements do shall not apply to certain  
144 occasional or part-time support staff, including, but not  
145 limited to, swimming instructors, piano teachers, dance  
146 instructors, and gymnastics instructors.

147 7.8. By December 31, 2023, the department shall evaluate or  
148 contract for an evaluation of:

149 a. The current training requirements and coursework offered  
150 to child care personnel and make recommendations to increase the  
151 quality and relevancy of training.

152 b. The licensing and regulation of child care facilities  
153 to:

154 (I) Identify rules that exceed specific delegated  
155 legislative authority.



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156 (II) Identify rules that are arbitrary, vague, or  
157 redundant.

158 (III) Streamline the standards used to classify violations  
159 and eliminate redundancy or subjectivity in application by  
160 licensing counselors.

161 8. When the evaluation in subparagraph 7. is completed, the  
162 department shall begin revising the regulation of child care  
163 facilities to simplify ongoing licensure inspections, increase  
164 objectivity, and provide a greater emphasis on technical  
165 assistance. The evaluation shall be conducted every 5 years for  
166 the general purpose of determining the status of and means to  
167 improve staff training requirements and testing procedures. The  
168 evaluation shall be conducted every 2 years. The evaluation  
169 shall include, but not be limited to, determining the  
170 availability, quality, scope, and sources of current staff  
171 training; determining the need for specialty training; and  
172 determining ways to increase inservice training and ways to  
173 increase the accessibility, quality, and cost-effectiveness of  
174 current and proposed staff training. The evaluation methodology  
175 shall include a reliable and valid survey of child care  
176 personnel.

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

181 ~~(f) Periodic health examinations.~~

182 (7) SANITATION AND SAFETY.—

183 (a) Minimum standards shall include requirements for  
184 sanitary and safety conditions, first aid treatment, emergency



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185 procedures, and pediatric cardiopulmonary resuscitation. The  
186 minimum standards shall require that two ~~at least one~~ staff  
187 persons ~~person~~ trained in cardiopulmonary resuscitation, as  
188 evidenced by current documentation of course completion, must be  
189 present at all times that children are present.

190 (9) ADMISSIONS AND RECORDKEEPING.—

191 ~~(b) During the months of August and September of each year,~~  
192 ~~each child care facility shall provide parents of children~~  
193 ~~enrolled in the facility detailed information regarding the~~  
194 ~~causes, symptoms, and transmission of the influenza virus in an~~  
195 ~~effort to educate those parents regarding the importance of~~  
196 ~~immunizing their children against influenza as recommended by~~  
197 ~~the Advisory Committee on Immunization Practices of the Centers~~  
198 ~~for Disease Control and Prevention.~~

199 ~~(c) During the months of April and September of each year,~~  
200 ~~at a minimum, each facility shall provide parents of children~~  
201 ~~enrolled in the facility information regarding the potential for~~  
202 ~~a distracted adult to fail to drop off a child at the facility~~  
203 ~~and instead leave the child in the adult's vehicle upon arrival~~  
204 ~~at the adult's destination. The child care facility shall also~~  
205 ~~give parents information about resources with suggestions to~~  
206 ~~avoid this occurrence. The department shall develop a flyer or~~  
207 ~~brochure with this information that shall be posted to the~~  
208 ~~department's website, which child care facilities may choose to~~  
209 ~~reproduce and provide to parents to satisfy the requirements of~~  
210 ~~this paragraph.~~

211 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure  
212 that each child care facility has and implements a written plan  
213 for the daily provision of varied activities and active and





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214 quiet play opportunities appropriate to the age of the child.  
215 ~~The written plan must include a program, to be implemented~~  
216 ~~periodically for children of an appropriate age, which will~~  
217 ~~assist the children in preventing and avoiding physical and~~  
218 ~~mental abuse.~~

219 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~  
220 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~  
221 ~~department, in conjunction with the Department of Health, for~~  
222 ~~specialized child care facilities for the care of mildly ill~~  
223 ~~children. The minimum standards shall address the following~~  
224 ~~areas: personnel requirements; staff-to-child ratios; staff~~  
225 ~~training and credentials; health and safety; physical facility~~  
226 ~~requirements, including square footage; client eligibility,~~  
227 ~~including a definition of "mildly ill children"; sanitation and~~  
228 ~~safety; admission and recordkeeping; dispensing of medication;~~  
229 ~~and a schedule of activities.~~

230 Section 3. Section 402.3115, Florida Statutes, is amended  
231 to read:

232 402.3115 Elimination of duplicative and unnecessary  
233 inspections; abbreviated inspections.—The Department of Children  
234 and Families and local governmental agencies that license child  
235 care facilities shall develop and implement a plan to eliminate  
236 duplicative and unnecessary inspections of child care  
237 facilities, family day care homes, and large family child care  
238 homes. In addition, the department and the local governmental  
239 agencies shall develop and implement an abbreviated inspection  
240 plan for child care facilities that have been licensed for a  
241 period of not less than 2 consecutive years, and do not have a  
242 ~~had no~~ Class 1 and no more than two of the same ~~or~~ Class 2



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243 deficiencies, as defined by rule, for at least 2 consecutive  
244 years, have received at least two full onsite renewals in the  
245 most recent 2 years, do not have any current uncorrected  
246 violations, and do not have any open regulatory complaints or  
247 active child protective services investigations. The department  
248 shall annually calculate efficiencies and moneys saved due to  
249 the implementation of abbreviated inspections. Such savings  
250 shall be used to focus resources and technical assistance to  
251 support child care facilities, family day care homes, and large  
252 family child care homes that are having difficulty maintaining  
253 compliance with the licensing requirements of s. 402.305, s.  
254 402.313, or s. 402.3131. The abbreviated inspection must include  
255 those elements identified by the department and the local  
256 governmental agencies as being key indicators of whether the  
257 child care facility continues to provide quality care and  
258 programming and shall be updated every 5 years.

259 Section 4. Section 627.70161, Florida Statutes, is amended  
260 to read:

261 627.70161 Family day care and large family child care home  
262 insurance.—

263 (1) PURPOSE AND INTENT.—The Legislature recognizes that  
264 family day care homes and large family child care homes fulfill  
265 a vital role in providing child care in Florida. It is the  
266 intent of the Legislature that residential property insurance  
267 coverage should not be canceled, denied, or nonrenewed solely on  
268 the basis of the family day care or large family child care home  
269 services at the residence. The Legislature also recognizes that  
270 the potential liability of residential property insurers is  
271 substantially increased by the rendition of child care services



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272 on the premises. The Legislature therefore finds that there is a  
273 public need to specify that contractual liabilities that arise  
274 in connection with the operation of the family day care home or  
275 large family child care home are excluded from residential  
276 property insurance policies unless they are specifically  
277 included in such coverage.

278 (2) DEFINITIONS.—As used in this section, the term:

279 (a) "Child care" has the same meaning as in s. 402.302  
280 ~~means the care, protection, and supervision of a child, for a~~  
281 ~~period of less than 24 hours a day on a regular basis, which~~  
282 ~~supplements parental care, enrichment, and health supervision~~  
283 ~~for the child, in accordance with his or her individual needs,~~  
284 ~~and for which a payment, fee, or grant is made for care.~~

285 (b) "Family day care home" has the same meaning as in s.  
286 402.302 ~~means an occupied residence in which child care is~~  
287 ~~regularly provided for children from at least two unrelated~~  
288 ~~families and which receives a payment, fee, or grant for any of~~  
289 ~~the children receiving care, whether or not operated for a~~  
290 ~~profit.~~

291 (3) FAMILY DAY CARE AND LARGE FAMILY CHILD CARE; COVERAGE.—

292 A residential property insurance policy shall not provide  
293 coverage for liability for claims arising out of, or in  
294 connection with, the operation of a family day care home or  
295 large family child care home, and the insurer shall be under no  
296 obligation to defend against lawsuits covering such claims,  
297 unless:

298 (a) Specifically covered in a policy; or

299 (b) Covered by a rider or endorsement for business coverage  
300 attached to a policy.



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301 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An  
302 insurer may not deny, cancel, or refuse to renew a policy for  
303 residential property insurance solely on the basis that the  
304 policyholder or applicant operates a family day care home or  
305 large family child care home. In addition to other lawful  
306 reasons for refusing to insure, an insurer may deny, cancel, or  
307 refuse to renew a policy of a family day care home or large  
308 family child care home provider if one or more of the following  
309 conditions occur:

310 (a) The policyholder or applicant provides care for more  
311 children than authorized for family day care homes or large  
312 family child care homes under ~~by~~ s. 402.302.~~†~~

313 (b) The policyholder or applicant fails to maintain a  
314 separate commercial liability policy or an endorsement providing  
315 liability coverage for the family day care home or large family  
316 child care home operations.~~†~~

317 (c) The policyholder or applicant fails to comply with the  
318 family day care home or large family child care home licensure  
319 and registration requirements specified in s. 402.313 or s.  
320 402.3131.~~†~~ ~~or~~

321 (d) Discovery of willful or grossly negligent acts or  
322 omissions or any violations of state laws or regulations  
323 establishing safety standards for family day care homes or large  
324 family child care homes by the named insured or his or her  
325 representative which materially increase any of the risks  
326 insured.

327 Section 5. Paragraph (c) of subsection (3) of section  
328 1002.55, Florida Statutes, is amended to read:

329 1002.55 School-year prekindergarten program delivered by



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330 private prekindergarten providers.-

331 (3) To be eligible to deliver the prekindergarten program,  
332 a private prekindergarten provider must meet each of the  
333 following requirements:

334

335 ===== T I T L E A M E N D M E N T =====

336 And the title is amended as follows:

337 Delete lines 3 - 78

338 and insert:

339 providers; amending s. 402.302, F.S.; defining the  
340 term "preschool"; amending s. 402.305, F.S.; revising  
341 licensing standards for all licensed child care  
342 facilities; revising minimum standards and training  
343 requirements for child care personnel; requiring the  
344 Department of Children and Families to conduct  
345 specified screening of child care personnel within a  
346 specified timeframe and issue provisional approval of  
347 such personnel; requiring the department to evaluate  
348 certain training and coursework requirements for child  
349 care personnel and the licensing and regulation of  
350 child care facilities by a specified date; deleting  
351 provisions relating to educating parents about the  
352 importance of specified immunizations, addressing the  
353 danger of a child being accidentally left in an  
354 adult's vehicle, having a plan to assist children in  
355 preventing and avoiding physical and mental abuse, and  
356 the department developing minimum standards for  
357 specialized child care facilities for the care of  
358 mildly ill children; amending s. 402.3115, F.S.;



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359 requiring the department and certain local  
360 governmental agencies to develop and implement a plan  
361 to eliminate duplicative and unnecessary inspections  
362 of home child care providers; revising abbreviated  
363 inspection requirements for certain child care  
364 facilities; amending s. 627.70161, F.S.; revising  
365 legislative purpose and intent; revising the  
366 definitions of the terms "child care" and "family day  
367 care home"; providing that residential property  
368 insurance does not cover liability or claims arising  
369 out of the operation of a large family child care  
370 home; amending s. 1002.55, F.S.; revising