

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McFarland offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 725 and 726, insert:

5 Section 10. Section 627.70161, Florida Statutes, is
6 amended to read:

7 627.70161 Family day care and large family child care
8 insurance.—

9 (1) PURPOSE AND INTENT.—The Legislature recognizes that
10 family day care homes and large family child care homes fulfill
11 a vital role in providing child care in Florida. It is the
12 intent of the Legislature that residential property insurance
13 coverage should not be canceled, denied, or nonrenewed solely on

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14 the basis of the ~~family~~ day care or child care services at the
15 residence. The Legislature also recognizes that the potential
16 liability of residential property insurers is substantially
17 increased by the rendition of child care services on the
18 premises. The Legislature therefore finds that there is a public
19 need to specify that contractual liabilities that arise in
20 connection with the operation of the family day care home or
21 large family child care home are excluded from residential
22 property insurance policies unless they are specifically
23 included in such coverage.

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

25 (a) "Child care" means the care, protection, and
26 supervision of a child, for a period of less than 24 hours a day
27 on a regular basis, which supplements parental care, enrichment,
28 and health supervision for the child, in accordance with his or
29 her individual needs, and for which a payment, fee, or grant is
30 made for care.

31 (b) "Family day care home" means an occupied residence in
32 which child care is regularly provided for children from at
33 least two unrelated families and which receives a payment, fee,
34 or grant for any of the children receiving care, whether or not
35 operated for a profit.

36 (c) "Large family child care home" means an occupied
37 residence in which child care is regularly provided for children
38 from at least two unrelated families, which receives a payment,

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39 fee, or grant for any of the children receiving care, regardless
40 of whether operated for profit, and which has at least two full-
41 time child care personnel on the premises during the hours of
42 operation. One of the two full-time child care personnel must be
43 the owner or occupant of the residence. A large family child
44 care home must first have operated as a licensed family day care
45 home for at least 2 years, with an operator who has held a child
46 development associate credential or its equivalent for at least
47 1 year, before seeking licensure as a large family child care
48 home. Household children under 13 years of age, when on the
49 premises of the large family child care home or on a field trip
50 with children enrolled in child care, must be included in the
51 overall capacity of the licensed home. A large family child care
52 home may provide care for one of the following groups of
53 children, which must include household children under 13 years
54 of age:

55 1. A maximum of eight children from birth to 24 months of
56 age.

57 2. A maximum of 12 children, with no more than four
58 children under 24 months of age.

59 (3) FAMILY DAY CARE AND LARGE FAMILY CHILD CARE;
60 COVERAGE.—A residential property insurance policy may ~~shall~~ not
61 provide coverage for liability for claims arising out of, or in
62 connection with, the operation of a family day care home or
63 large family child care home, and the insurer shall be under no

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64 obligation to defend against lawsuits covering such claims,
65 unless:

66 (a) Specifically covered in a policy; or

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

69 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
70 insurer may not deny, cancel, or refuse to renew a policy for
71 residential property insurance solely on the basis that the
72 policyholder or applicant operates a family day care home or
73 large family child care home. In addition to other lawful
74 reasons for refusing to insure, an insurer may deny, cancel, or
75 refuse to renew a policy of a family day care home or large
76 family child care home provider if one or more of the following
77 conditions occur:

78 (a) The policyholder or applicant provides care for more
79 children than authorized ~~for family day care homes~~ by s.
80 402.302;

81 (b) The policyholder or applicant fails to maintain a
82 separate commercial liability policy or an endorsement providing
83 liability coverage for the family day care home or large family
84 child care home operations;

85 (c) The policyholder or applicant fails to comply with the
86 applicable ~~family day care home~~ licensure and registration
87 requirements specified in chapter 402 s. 402.313; or

88 (d) Discovery of willful or grossly negligent acts or

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89 omissions or any violations of state laws or regulations
90 establishing safety standards for family day care homes or large
91 family child care home by the named insured or his or her
92 representative which materially increase any of the risks
93 insured.

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

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Remove line 52 and insert:

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policies; amending s. 627.70161, F.S.; defining the

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term "large family child care home"; providing that

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specified insurance provisions apply to large family

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child care homes; amending ss. 628.011 and 628.061,

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F.S.;

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