

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Health Care Budget
2 Subcommittee

3 Representative McFarland offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 61-393 and insert:

7 **Section 2. Paragraphs (a) and (c) of subsection (1),**
8 **paragraphs (a), (e), and (f) of subsection (2), paragraphs (a)**
9 **and (c) of subsection (7), subsections (9), (13), and (17), and**
10 **paragraph (a) of subsection (18) of section 402.305, Florida**
11 **Statutes, are amended to read:**

12 402.305 Licensing standards; child care facilities.—

13 (1) LICENSING STANDARDS.—The department shall establish
14 licensing standards that each licensed child care facility must
15 meet regardless of the origin or source of the fees used to

Amendment No.

16 operate the facility or the type of children served by the
17 facility.

18 (a) The standards shall be designed to address ~~the~~
19 ~~following areas:~~

20 1. ~~the health and nutrition, sanitation, safety,~~
21 developmental needs, and sanitary adequate physical conditions
22 ~~surroundings~~ for all children served by ~~in~~ child care
23 facilities.

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

25 3. ~~The child development needs of all children in child~~
26 ~~care.~~

27 (c) The minimum standards for child care facilities shall
28 be adopted in the rules of the department and shall address the
29 areas delineated in this section.

30 1. The department, in adopting rules to establish minimum
31 standards for child care facilities, shall recognize that
32 different age groups of children may require different
33 standards.

34 2. The department may adopt different minimum standards
35 for facilities that serve children in different age groups,
36 including school-age children.

37 3. The department may create up to three classification
38 levels for violations of licensing standards that directly
39 relate to the health and safety of a child. A class three
40 violation is the least serious in nature and must be the same

Amendment No.

41 incident of noncompliance that occurs at least three times
42 within a 2-year period.

43 4. The department shall ~~also~~ adopt by rule a definition
44 for child care which distinguishes between child care programs
45 that require child care licensure and after-school programs that
46 do not require licensure. Notwithstanding any other provision of
47 law to the contrary, minimum child care licensing standards
48 shall be developed to provide for reasonable, affordable, and
49 safe before-school and after-school care. After-school programs
50 that otherwise meet the criteria for exclusion from licensure
51 may provide snacks and meals through the federal Afterschool
52 Meal Program (AMP) administered by the Department of Health in
53 accordance with federal regulations and standards. The
54 Department of Health shall consider meals to be provided through
55 the AMP only if the program is actively participating in the
56 AMP, is in good standing with the department, and the meals meet
57 AMP requirements. Standards, at a minimum, shall allow for a
58 credentialed director to supervise multiple before-school and
59 after-school sites.

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

62 (a) Good moral character based upon screening as defined
63 in s. 402.302(15). This screening shall be conducted as provided
64 in chapter 435, using the level 2 standards for screening
65 provided ~~set forth~~ in that chapter, and include employment

Amendment No.

66 history checks, a search of criminal history records, sexual
67 predator and sexual offender registries, and child abuse and
68 neglect registry of any state in which the current or
69 prospective child care personnel resided during the preceding 5
70 years. The department shall complete the screening and provide
71 the results to the child care facility within 3 business days
72 from the receipt of the criminal history record check. If the
73 department is unable to complete the screening within 3 business
74 days, the department shall issue the current or prospective
75 child care personnel a 45-day provisional-hire status while all
76 required information is being requested and the department is
77 awaiting results unless the department has reason to believe a
78 disqualifying factor may exist. During the 45-day period, the
79 current or prospective child care personnel must be under the
80 direct supervision of a screened and trained staff member when
81 in contact with children.

82 (e) Minimum training requirements for child care
83 personnel.

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

88 a. State and local rules and regulations which govern
89 child care.

90 b. Health, safety, and nutrition.

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

91 c. Identifying and reporting child abuse and neglect.

92 d. Child development, including typical and atypical
93 language, cognitive, motor, social, and self-help skills
94 development.

95 e. Observation of developmental behaviors, including using
96 a checklist or other similar observation tools and techniques to
97 determine the child's developmental age level.

98 f. Specialized areas, including computer technology for
99 professional and classroom use and early literacy and language
100 development of children from birth to 5 years of age, as
101 determined by the department, for owner-operators and child care
102 personnel of a child care facility.

103 g. Developmental disabilities, including autism spectrum
104 disorder and Down syndrome, and early identification, use of
105 available state and local resources, classroom integration, and
106 positive behavioral supports for children with developmental
107 disabilities.

108 h. Online training coursework, provided at no cost by the
109 department, to meet minimum training standards for child care
110 personnel.

111
112 Within 90 days after employment, child care personnel shall
113 begin training to meet the training requirements. Child care
114 personnel shall successfully complete such training within 1
115 year after the date on which the training began, as evidenced by

Amendment No.

116 passage of an in-person or online a competency examination.
117 Successful completion of the 40-clock-hour introductory course
118 shall articulate into community college credit in early
119 childhood education, pursuant to ss. 1007.24 and 1007.25.
120 Exemption from all or a portion of the required training shall
121 be granted to child care personnel based upon educational
122 credentials or passage of competency examinations. Child care
123 personnel possessing a 2-year degree or higher that includes 6
124 college credit hours in early childhood development or child
125 growth and development, or a child development associate
126 credential or an equivalent state-approved child development
127 associate credential, or a child development associate waiver
128 certificate shall be automatically exempted from the training
129 requirements in sub-subparagraphs b., d., and e.

130 ~~2. The introductory course in child care shall stress, to~~
131 ~~the extent possible, an interdisciplinary approach to the study~~
132 ~~of children.~~

133 ~~2.3.~~ The introductory course shall cover recognition and
134 prevention of shaken baby syndrome; prevention of sudden infant
135 death syndrome; recognition and care of infants and toddlers
136 with developmental disabilities, including autism spectrum
137 disorder and Down syndrome; and early childhood brain
138 development within the topic areas identified in this paragraph.

139 ~~3.4.~~ On an annual basis in order to further their child
140 care skills and, if appropriate, administrative skills, child

Amendment No.

141 care personnel who have fulfilled the requirements for the child
142 care training shall be required to take an additional 1
143 continuing education unit of approved inservice training, or 10
144 clock hours of equivalent training, as determined by the
145 department.

146 ~~4.5.~~ Child care personnel shall be required to complete
147 0.5 continuing education unit of approved training or 5 clock
148 hours of equivalent training, as determined by the department,
149 in early literacy and language development of children from
150 birth to 5 years of age one time. The year that this training is
151 completed, it shall fulfill the 0.5 continuing education unit or
152 5 clock hours of the annual training required in subparagraph 3.
153 4.

154 ~~5.6.~~ Procedures for ensuring the training of qualified
155 child care professionals to provide training of child care
156 personnel, including onsite training, shall be included in the
157 minimum standards. It is recommended that the state community
158 child care coordination agencies (central agencies) be
159 contracted by the department to coordinate such training when
160 possible. Other district educational resources, such as
161 community colleges and career programs, can be designated in
162 such areas where central agencies may not exist or are
163 determined not to have the capability to meet the coordination
164 requirements set forth by the department.

Amendment No.

165 ~~6.7.~~ Training requirements ~~do shall~~ not apply to certain
166 occasional or part-time support staff, including, but not
167 limited to, swimming instructors, piano teachers, dance
168 instructors, and gymnastics instructors.

169 ~~7.8.~~ The child care operator shall be required to take
170 basic training in serving children with disabilities within 5
171 years after employment, either as a part of the introductory
172 training or the annual 8 hours of inservice training.

173 (f) Periodic health examinations for child care facility
174 drivers.

175 (7) SANITATION AND SAFETY.—

176 (a) Minimum standards must shall include requirements for
177 sanitary and safety conditions, first aid treatment, emergency
178 procedures, and pediatric cardiopulmonary resuscitation. The
179 minimum standards must shall require that at least one staff
180 person trained in person in cardiopulmonary resuscitation, as
181 evidenced by current documentation of course completion, ~~must~~ be
182 present at all times that children are present.

183 ~~(c) Some type of communications system, such as a pocket~~
184 ~~pager or beeper, shall be provided to a parent whose child is in~~
185 ~~drop-in child care to ensure the immediate return of the parent~~
186 ~~to the child, if necessary.~~

187 (9) ADMISSIONS AND RECORDKEEPING.—

188 (a) Minimum standards shall include requirements for
189 preadmission and periodic health examinations, requirements for

Amendment No.

190 immunizations, and requirements for maintaining emergency
191 information and health records on all children.

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

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

212 ~~(b)(d)~~ Because of the nature and duration of drop-in child
213 care, requirements for preadmission and periodic health
214 examinations and requirements for medically signed records of

Amendment No.

215 immunization required for child care facilities shall not apply.
216 A parent of a child in drop-in child care shall, however, be
217 required to attest to the child's health condition and the type
218 and current status of the child's immunizations.

219 ~~(c)(e)~~ Any child shall be exempt from medical or physical
220 examination or medical or surgical treatment upon written
221 request of the parent or guardian of such child who objects to
222 the examination and treatment. However, the laws, rules, and
223 regulations relating to contagious or communicable diseases and
224 sanitary matters shall not be violated because of any exemption
225 from or variation of the health and immunization minimum
226 standards.

227 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure
228 that each child care facility has and implements a written plan
229 for the daily provision of varied activities and active and
230 quiet play opportunities appropriate to the age of the child.
231 ~~The written plan must include a program, to be implemented~~
232 ~~periodically for children of an appropriate age, which will~~
233 ~~assist the children in preventing and avoiding physical and~~
234 ~~mental abuse.~~

235 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~
236 ~~MILDLY ILL CHILDREN.—Minimum standards shall be developed by the~~
237 ~~department, in conjunction with the Department of Health, for~~
238 ~~specialized child care facilities for the care of mildly ill~~
239 ~~children. The minimum standards shall address the following~~

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

240 ~~areas: personnel requirements; staff to child ratios; staff~~
241 ~~training and credentials; health and safety; physical facility~~
242 ~~requirements, including square footage; client eligibility,~~
243 ~~including a definition of "mildly ill children"; sanitation and~~
244 ~~safety; admission and recordkeeping; dispensing of medication;~~
245 ~~and a schedule of activities.~~

246 (18) TRANSFER OF OWNERSHIP.—

247 (a) One week prior to the transfer of ownership of a child
248 care facility or family child ~~day~~ care home, the transferor
249 shall notify the parent or caretaker of each child of the
250 impending transfer.

251 **Section 3. Subsections (1) and (3) of section 402.306,**
252 **Florida Statutes, is amended to read:**

253 402.306 Designation of licensing agency; dissemination by
254 the department and local licensing agency of information on
255 child care.—

256 (1) (a) Any county whose licensing standards meet or exceed
257 state minimum standards may:

258 1. ~~(a)~~ Designate a local licensing agency to license child
259 care facilities in the county; or

260 2. ~~(b)~~ Contract with the department to delegate the
261 administration of state minimum standards in the county to the
262 department.

Amendment No.

263 (b) The decision to designate a local licensing agency
264 under subparagraph (a)1. must be annually affirmed by a majority
265 vote of the county commission.

266 (3) The department and local licensing agencies, or the
267 designees thereof, shall be responsible for coordination and
268 dissemination of information on child care to the community and
269 shall make available through electronic means all licensing
270 standards and procedures, health and safety standards for school
271 readiness providers, monitoring and inspection reports, and the
272 names and addresses of licensed child care facilities, school
273 readiness program providers, and, where applicable pursuant to
274 s. 402.313, licensed or registered family child ~~day~~ care homes.
275 This information shall also include the number of deaths,
276 serious injuries, and instances of substantiated child abuse
277 that have occurred in child care settings each year; research
278 and best practices in child development; and resources regarding
279 social-emotional development, parent and family engagement,
280 healthy eating, and physical activity.

281 **Section 4. Section 402.3115, Florida Statutes, is amended**
282 **to read:**

283 402.3115 Elimination of duplicative and unnecessary
284 inspections; abbreviated inspections.—

285 (1) The Department of Children and Families and local
286 governmental agencies that license child care facilities shall
287 develop and implement a plan to eliminate duplicative and

Amendment No.

288 unnecessary inspections of child care facilities, family child
289 care homes, and large family child care homes.

290 (2) (a) ~~In addition,~~ The department and the local
291 governmental agencies shall develop and implement an abbreviated
292 inspection plan for child care facilities, family child care
293 homes, and large family child care homes that meet all of the
294 following conditions:

295 1. Have been licensed for at least 2 consecutive years.

296 2. Have not had a ~~no~~ Class 1 deficiency, as defined by
297 rule, for at least 2 consecutive years.

298 3. Have not had more than three of the same ~~or~~ Class 2
299 deficiencies, as defined by rule, for at least 2 consecutive
300 years.

301 4. Have received at least two full onsite renewal
302 inspections in the most recent 2 years.

303 5. Do not have any current uncorrected violations.

304 6. Do not have any open regulatory complaints or active
305 child protective services investigations.

306 (b) The abbreviated inspection must include those elements
307 identified by the department ~~and the local governmental agencies~~
308 as being key indicators of whether the child care facility
309 continues to provide quality care and programming and must be
310 updated every 5 years.

Amendment No.

311 (3) The department shall revise the plan under subsection
312 (1) as necessary to maintain the validity and effectiveness of
313 inspections.

314 **Section 5. Section 402.313, Florida Statutes, is amended**
315 **to read:**

316 402.313 Family child ~~day~~ care homes.—

317 (1) Family child ~~day~~ care homes shall be licensed under
318 this act if they are presently being licensed under an existing
319 county licensing ordinance or if the board of county
320 commissioners passes a resolution that family child ~~day~~ care
321 homes be licensed.

322 (a) If not subject to license, family child ~~day~~ care homes
323 shall register annually with the department, providing the
324 following information:

- 325 1. The name and address of the home.
- 326 2. The name of the operator.
- 327 3. The number of children served.
- 328 4. Proof of a written plan to provide at least one other
329 competent adult to be available to substitute for the operator
330 in an emergency. This plan shall include the name, address, and
331 telephone number of the designated substitute.
- 332 5. Proof of screening and background checks.
- 333 6. Proof of successful completion of the 30-hour training
334 course, as evidenced by passage of a competency examination,
335 which shall include:

Amendment No.

336 a. State and local rules and regulations that govern child
337 care.

338 b. Health, safety, and nutrition.

339 c. Identifying and reporting child abuse and neglect.

340 d. Child development, including typical and atypical
341 language development; and cognitive, motor, social, and self-
342 help skills development.

343 e. Observation of developmental behaviors, including using
344 a checklist or other similar observation tools and techniques to
345 determine a child's developmental level.

346 f. Specialized areas, including early literacy and
347 language development of children from birth to 5 years of age,
348 as determined by the department, for owner-operators of family
349 child day care homes.

350 ~~7. Proof that immunization records are kept current.~~

351 7. Proof of completion of the required continuing
352 education units or clock hours.

353 (b) Operators of registered family child care homes shall
354 be required annually to complete a health and safety home
355 inspection self-evaluation checklist developed by the department
356 in conjunction with the statewide resource and referral program.
357 The completed checklist shall be signed by the operator of the
358 family child care home and provided to parents as certification
359 that basic health and safety standards are being met.

Amendment No.

360 ~~(c)-(b)~~ A registered family child day care home may
361 volunteer to be licensed under this act.

362 ~~(d)-(e)~~ The department may provide technical assistance to
363 counties and family child day care home providers to enable
364 counties and family child day care providers to achieve
365 compliance with family child day care homes standards.

366 (2) This information shall be included in a directory to
367 be published annually by the department to inform the public of
368 available child care facilities.

369 (3) Child care personnel in family child day care homes
370 shall be subject to the applicable screening provisions
371 contained in ss. 402.305(2) and 402.3055. For purposes of
372 screening child care personnel in family child day care homes,
373 the term "child care personnel" includes any member of a family
374 child care home operator's family ~~over the age of 12 years of~~
375 ~~age or older, a family day care home operator's family, or any~~
376 ~~persons over the age of 12 years of age or older~~ residing with
377 the operator in the family child day care home. Members of the
378 operator's family, or persons residing with the operator, who
379 are between the ages of 12 years and 18 years, inclusive, shall
380 not be required to be fingerprinted, but shall be screened for
381 delinquency records.

382 (4) Operators of family child day care homes must
383 successfully complete an approved 30-clock-hour introductory

Amendment No.

384 course in child care, as evidenced by passage of a competency
385 examination, before caring for children.

386 (5) In order to further develop their child care skills
387 and, if appropriate, their administrative skills, operators of
388 family child day care homes shall be required to complete an
389 additional 1 continuing education unit of approved training or
390 10 clock hours of equivalent training, as determined by the
391 department, annually.

392 (6) Operators of family child day care homes shall be
393 required to complete 0.5 continuing education unit of approved
394 training in early literacy and language development of children
395 from birth to 5 years of age one time. The year that this
396 training is completed, it shall fulfill the 0.5 continuing
397 education unit or 5 clock hours of the annual training required
398 in subsection (5).

399 ~~(7) Operators of family day care homes shall be required~~
400 ~~annually to complete a health and safety home inspection self-~~
401 ~~evaluation checklist developed by the department in conjunction~~
402 ~~with the statewide resource and referral program. The completed~~
403 ~~checklist shall be signed by the operator of the family day care~~
404 ~~home and provided to parents as certification that basic health~~
405 ~~and safety standards are being met.~~

406 ~~(7)(8)~~ Family child day care home operators may avail
407 themselves of supportive services offered by the department.

Amendment No.

408 ~~(8)-(9)~~ The department shall prepare a brochure on family
409 child day care for distribution by the department and by local
410 licensing agencies, if appropriate, to family child day care
411 homes for distribution to parents utilizing such child care, and
412 to all interested persons, including physicians and other health
413 professionals; mental health professionals; school teachers or
414 other school personnel; social workers or other professional
415 child care, foster care, residential, or institutional workers;
416 and law enforcement officers. The brochure shall, at a minimum,
417 contain the following information:

418 (a) A brief description of the requirements for family
419 child day care registration, training, and fingerprinting and
420 screening.

421 (b) A listing of those counties that require licensure of
422 family child day care homes. Such counties shall provide an
423 addendum to the brochure that provides a brief description of
424 the licensure requirements or may provide a brochure in lieu of
425 the one described in this subsection, provided it contains all
426 the required information on licensure and the required
427 information in the subsequent paragraphs.

428 (c) A statement indicating that information about the
429 family child day care home's compliance with applicable state or
430 local requirements can be obtained by telephoning the department
431 office or the office of the local licensing agency, if

Amendment No.

432 appropriate, at a telephone number or numbers which shall be
433 affixed to the brochure.

434 (d) The statewide toll-free telephone number of the
435 central abuse hotline, together with a notice that reports of
436 suspected and actual child physical abuse, sexual abuse, and
437 neglect are received and referred for investigation by the
438 hotline.

439 (e) Any other information relating to competent child care
440 that the department or local licensing agency, if preparing a
441 separate brochure, deems would be helpful to parents and other
442 caretakers in their selection of a family child day care home.

443 ~~(9)-(10)~~ On an annual basis, the department shall evaluate
444 the registration and licensure system for family child day care
445 homes. Such evaluation shall, at a minimum, address the
446 following:

447 (a) The number of family child day care homes registered
448 and licensed and the dates of such registration and licensure.

449 (b) The number of children being served in both registered
450 and licensed family child day care homes and any available slots
451 in such homes.

452 (c) The number of complaints received concerning family
453 child day care, the nature of the complaints, and the resolution
454 of such complaints.

Amendment No.

455 (d) The training activities utilized by child care
456 personnel in family child ~~day~~ care homes for meeting the state
457 or local training requirements.

458
459 The evaluation shall be utilized by the department in any
460 administrative modifications or adjustments to be made in the
461 registration of family child ~~day~~ care homes or in any
462 legislative requests for modifications to the system of
463 registration or to other requirements for family child ~~day~~ care
464 homes.

465 ~~(11) In order to inform the public of the state~~
466 ~~requirement for registration of family day care homes as well as~~
467 ~~the other requirements for such homes to legally operate in the~~
468 ~~state, the department shall institute a media campaign to~~
469 ~~accomplish this end. Such a campaign shall include, at a~~
470 ~~minimum, flyers, newspaper advertisements, radio advertisements,~~
471 ~~and television advertisements.~~

472 ~~(11)-(12)~~ Notwithstanding any other state or local law or
473 ordinance, any family child ~~day~~ care home licensed pursuant to
474 this chapter or pursuant to a county ordinance shall be charged
475 the utility rates accorded to a residential home. A licensed
476 family child ~~day~~ care home may not be charged commercial utility
477 rates.

478 ~~(12)-(13)~~ The department shall, by rule, establish minimum
479 standards for family child ~~day~~ care homes that are required to

Amendment No.

480 be licensed by county licensing ordinance or county licensing
481 resolution or that voluntarily choose to be licensed. The
482 standards should include requirements for staffing, training,
483 maintenance of immunization records, minimum health and safety
484 standards, reduced standards for the regulation of child care
485 during evening hours by municipalities and counties, and
486 enforcement of standards.

487 ~~(14) During the months of August and September of each~~
488 ~~year, each family day care home shall provide parents of~~
489 ~~children enrolled in the home detailed information regarding the~~
490 ~~causes, symptoms, and transmission of the influenza virus in an~~
491 ~~effort to educate those parents regarding the importance of~~
492 ~~immunizing their children against influenza as recommended by~~
493 ~~the Advisory Committee on Immunization Practices of the Centers~~
494 ~~for Disease Control and Prevention.~~

495 ~~(15) During the months of April and September of each~~
496 ~~year, at a minimum, each family day care home shall provide~~
497 ~~parents of children attending the family day care home~~
498 ~~information regarding the potential for a distracted adult to~~
499 ~~fail to drop off a child at the family day care home and instead~~
500 ~~leave the child in the adult's vehicle upon arrival at the~~
501 ~~adult's destination. The family day care home shall also give~~
502 ~~parents information about resources with suggestions to avoid~~
503 ~~this occurrence. The department shall develop a flyer or~~
504 ~~brochure with this information that shall be posted to the~~

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

505 ~~department's website, which family day care homes may choose to~~
506 ~~reproduce and provide to parents to satisfy the requirements of~~
507 ~~this subsection.~~

508 **Section 6. Section 402.3131, Florida Statutes, is amended**
509 **to read:**

510 402.3131 Large family child care homes.—

511 (1) Large family child care homes shall be licensed under
512 this section.

513 (a) A licensed family child ~~day~~ care home must first have
514 operated for a minimum of 2 consecutive years, with an operator
515 who has had a child development associate credential or its
516 equivalent for 1 year, before seeking licensure as a large
517 family child care home.

518 (b) The department may provide technical assistance to
519 counties and family child ~~day~~ care home providers to enable the
520 counties and providers to achieve compliance with minimum
521 standards for large family child care homes.

522 (2) Child care personnel in large family child care homes
523 shall be subject to the applicable screening provisions
524 contained in ss. 402.305(2) and 402.3055. For purposes of
525 screening child care personnel in large family child care homes,
526 the term "child care personnel" includes any member of a large
527 family child care home operator's family 12 years of age or
528 older, or any person 12 years of age or older residing with the
529 operator in the large family child care home. Members of the

Amendment No.

530 operator's family, or persons residing with the operator, who
531 are between the ages of 12 years and 18 years, inclusive, shall
532 not be required to be fingerprinted, but shall be screened for
533 delinquency records.

534 (3) Operators of large family child care homes must
535 successfully complete an approved 40-clock-hour introductory
536 course in group child care, as evidenced by passage of a
537 competency examination. Successful completion of the 40-clock-
538 hour introductory course shall articulate into community college
539 credit in early childhood education, pursuant to ss. 1007.24 and
540 1007.25.

541 (4) In order to further develop their child care skills
542 and, if appropriate, their administrative skills, operators of
543 large family child care homes who have completed the required
544 introductory course shall be required to complete an additional
545 1 continuing education unit of approved training or 10 clock
546 hours of equivalent training, as determined by the department,
547 annually.

548 (5) Operators of large family child care homes shall be
549 required to complete 0.5 continuing education unit of approved
550 training or 5 clock hours of equivalent training, as determined
551 by the department, in early literacy and language development of
552 children from birth to 5 years of age one time. The year that
553 this training is completed, it shall fulfill the 0.5 continuing

Amendment No.

554 education unit or 5 clock hours of the annual training required
555 in subsection (4).

556 ~~(6) The department shall prepare a brochure on large
557 family child care homes for distribution to the general public.~~

558 (6)~~(7)~~ The department shall, by rule, establish minimum
559 standards for large family child care homes. The standards shall
560 include, at a minimum, requirements for staffing, maintenance of
561 immunization records, minimum health standards, minimum safety
562 standards, minimum square footage, and enforcement of standards.

563 (7)~~(8)~~ Prior to being licensed by the department, large
564 family child care homes must be approved by the state or local
565 fire marshal in accordance with standards established for child
566 care facilities.

567 ~~(9) During the months of August and September of each
568 year, each large family child care home shall provide parents of
569 children enrolled in the home detailed information regarding the
570 causes, symptoms, and transmission of the influenza virus in an
571 effort to educate those parents regarding the importance of
572 immunizing their children against influenza as recommended by
573 the Advisory Committee on Immunization Practices of the Centers
574 for Disease Control and Prevention.~~

575 ~~(10) During the months of April and September of each
576 year, at a minimum, each large family child care home shall
577 provide parents of children attending the large family child
578 care home information regarding the potential for a distracted~~

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

579 ~~adult to fail to drop off a child at the large family child care~~
580 ~~home and instead leave the child in the adult's vehicle upon~~
581 ~~arrival at the adult's destination. The large family child care~~
582 ~~home shall also give parents information about resources with~~
583 ~~suggestions to avoid this occurrence. The department shall~~
584 ~~develop a flyer or brochure with this information that shall be~~
585 ~~posted to the department's website, which large family child~~
586 ~~care homes may choose to reproduce and provide to parents to~~
587 ~~satisfy the requirements of this subsection.~~

588 **Section 7. Section 402.316, Florida Statutes, is amended**
589 **to read:**

590 402.316 Exemptions.—

591 (1) The provisions of ss. 402.301-402.319, except for the
592 requirements regarding screening of child care personnel, shall
593 not apply to a child care facility which is an integral part of
594 church or parochial schools, or a child care facility that
595 solely provides child care to eligible children as defined in s.
596 402.261(1)(c), conducting regularly scheduled classes, courses
597 of study, or educational programs accredited by, or by a member
598 of, an organization which publishes and requires compliance with
599 its standards for health, safety, and sanitation. However, such
600 facilities shall meet minimum requirements of the applicable
601 local governing body as to health, sanitation, and safety and
602 shall meet the screening requirements pursuant to ss. 402.305
603 and 402.3055. Failure by a facility to comply with such

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

604 screening requirements shall result in the loss of the
605 facility's exemption from licensure.

606 (2) The provisions of ss. 402.301-402.319 do not apply to
607 a child care facility or family child care home if the child
608 care facility or family child care home has a certificate issued
609 by the United States Department of Defense or by the United
610 States Coast Guard to provide child care and has completed
611 background screening by the United States Department of Defense
612 pursuant to 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and
613 received a favorable suitability and fitness determination. If
614 the child care facility or family child care home elects to
615 serve children ineligible for care under the Department of
616 Defense Instruction 6060.02, the child care facility or family
617 child care home must be licensed under chapter 402.

618 (3)(2) Any county or city with state or local child care
619 licensing programs in existence on July 1, 1974, will continue
620 to license the child care facility facilities as covered by such
621 programs, notwithstanding the exemption under provisions of
622 subsection (1), desiring to be licensed, is authorized to do so
623 by submitting an application to the department or local
624 licensing agency pursuant to s. 402.308(4) until and unless the
625 licensing agency makes a determination to exempt them.

626 (4)(3) The department and the local licensing agency
627 pursuant to s. 402.308(4) shall adopt rules to administer and
628 implement the provisions of this section, including, but not

Amendment No.

629 limited to, any assessments of previous licensure history ~~Any~~
630 ~~child care facility covered by the exemption provisions of~~
631 ~~subsection (1), but desiring to be included in this act, is~~
632 ~~authorized to do so by submitting notification to the~~
633 ~~department. Once licensed, such facility cannot withdraw from~~
634 ~~the act and continue to operate.~~

635 **Section 8. Section 627.70161, Florida Statutes, is amended**
636 **to read:**

637 627.70161 Family child day care and large family child
638 care insurance.—

639 (1) PURPOSE AND INTENT.—The Legislature recognizes that
640 family child day care homes and large family child care homes
641 fulfill a vital role in providing child care in Florida. It is
642 the intent of the Legislature that residential property
643 insurance coverage should not be canceled, denied, or nonrenewed
644 solely on the basis of the ~~family day care~~ child care services
645 at the residence. The Legislature also recognizes that the
646 potential liability of residential property insurers is
647 substantially increased by the rendition of child care services
648 on the premises. The Legislature therefore finds that there is a
649 public need to specify that contractual liabilities that arise
650 in connection with the operation of the family child day care
651 home or large family child care home are excluded from
652 residential property insurance policies unless they are
653 specifically included in such coverage.

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

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

655 (a) "Child care" means the care, protection, and
656 supervision of a child, for a period of less than 24 hours a day
657 on a regular basis, which supplements parental care, enrichment,
658 and health supervision for the child, in accordance with his or
659 her individual needs, and for which a payment, fee, or grant is
660 made for care.

661 (b) "Family child ~~day~~ care home" means an occupied
662 residence in which child care is regularly provided for children
663 from at least two unrelated families and which receives a
664 payment, fee, or grant for any of the children receiving care,
665 whether or not operated for a profit.

666 (c) "Large family child care home" means an occupied
667 residence in which child care is regularly provided for children
668 from at least two unrelated families, which receives a payment,
669 fee, or grant for any of the children receiving care, regardless
670 of whether operated for profit, and which has at least two full-
671 time child care personnel on the premises during the hours of
672 operation. One of the two full-time child care personnel must be
673 the owner or occupant of the residence. A large family child
674 care home must first have operated as a licensed family child
675 care home for at least 2 years, with an operator who has held a
676 child development associate credential or its equivalent for at
677 least 1 year, before seeking licensure as a large family child
678 care home. Household children under 13 years of age, when on the

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

679 premises of the large family child care home or on a field trip
680 with children enrolled in child care, must be included in the
681 overall capacity of the licensed home. A large family child care
682 home may provide care for one of the following groups of
683 children, which must include household children under 13 years
684 of age:

685 1. A maximum of eight children from birth to 24 months of
686 age.

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

689 (3) FAMILY CHILD ~~DAY~~ CARE AND LARGE FAMILY CHILD CARE;
690 COVERAGE.—A residential property insurance policy ~~may shall~~ not
691 provide coverage for liability for claims arising out of, or in
692 connection with, the operation of a family child ~~day~~ care home
693 or large family child care home, and the insurer shall be under
694 no obligation to defend against lawsuits covering such claims,
695 unless:

696 (a) Specifically covered in a policy; or

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

699 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
700 insurer may not deny, cancel, or refuse to renew a policy for
701 residential property insurance solely on the basis that the
702 policyholder or applicant operates a family child ~~day~~ care home
703 or large family child care home. In addition to other lawful

Amendment No.

704 reasons for refusing to insure, an insurer may deny, cancel, or
705 refuse to renew a policy of a family child day care home or
706 large family child care home provider if one or more of the
707 following conditions occur:

708 (a) The policyholder or applicant provides care for more
709 children than authorized ~~for family day care homes~~ by s.
710 402.302;

711 (b) The policyholder or applicant fails to maintain a
712 separate commercial liability policy or an endorsement providing
713 liability coverage for the family child day care home or large
714 family child care home operations;

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

718 (d) Discovery of willful or grossly negligent acts or
719 omissions or any violations of state laws or regulations
720 establishing safety standards for family child day care homes or
721 large family child care home by the named insured or his or her
722 representative which materially increase any of the risks
723 insured.

724 **Section 9. Subsections (3), (8), (9), and (11) of section**
725 **402.302, Florida Statutes, are amended to read:**

726 402.302 Definitions.—As used in this chapter, the term:

727 (3) "Child care personnel" means all owners, operators,
728 employees, and volunteers working in a child care facility. The

Amendment No.

729 term does not include persons who work in a child care facility
730 after hours when children are not present or parents of children
731 in a child care facility. For purposes of screening, the term
732 includes any member, over the age of 12 years, of a child care
733 facility operator's family, or person, over the age of 12 years,
734 residing with a child care facility operator if the child care
735 facility is located in or adjacent to the home of the operator
736 or if the family member of, or person residing with, the child
737 care facility operator has any direct contact with the children
738 in the facility during its hours of operation. Members of the
739 operator's family or persons residing with the operator who are
740 between the ages of 12 years and 18 years are not required to be
741 fingerprinted but must be screened for delinquency records. For
742 purposes of screening, the term also includes persons who work
743 in child care programs that provide care for children 15 hours
744 or more each week in public or nonpublic schools, family child
745 ~~day~~ care homes, membership organizations under s. 402.301, or
746 programs otherwise exempted under s. 402.316. The term does not
747 include public or nonpublic school personnel who are providing
748 care during regular school hours, or after hours for activities
749 related to a school's program for grades kindergarten through
750 12. A volunteer who assists on an intermittent basis for less
751 than 10 hours per month is not included in the term "personnel"
752 for the purposes of screening and training if a person who meets
753 the screening requirement of s. 402.305(2) is always present and

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

754 has the volunteer in his or her line of sight. Students who
755 observe and participate in a child care facility as a part of
756 their required coursework are not considered child care
757 personnel, provided such observation and participation are on an
758 intermittent basis and a person who meets the screening
759 requirement of s. 402.305(2) is always present and has the
760 student in his or her line of sight.

761 (8) "Family child ~~day~~ care home" means an occupied
762 residence in which child care is regularly provided for children
763 from at least two unrelated families and which receives a
764 payment, fee, or grant for any of the children receiving care,
765 whether or not operated for profit. Household children under 13
766 years of age, when on the premises of the family child ~~day~~ care
767 home or on a field trip with children enrolled in child care,
768 shall be included in the overall capacity of the licensed home.
769 A family child ~~day~~ care home shall be allowed to provide care
770 for one of the following groups of children, which shall include
771 household children under 13 years of age:

772 (a) A maximum of four children from birth to 12 months of
773 age.

774 (b) A maximum of three children from birth to 12 months of
775 age, and other children, for a maximum total of six children.

776 (c) A maximum of six preschool children if all are older
777 than 12 months of age.

Amendment No.

778 (d) A maximum of 10 children if no more than 5 are
779 preschool age and, of those 5, no more than 2 are under 12
780 months of age.

781 (9) "Household children" means children who are related by
782 blood, marriage, or legal adoption to, or who are the legal
783 wards of, the family child ~~day~~ care home operator, the large
784 family child care home operator, or an adult household member
785 who permanently or temporarily resides in the home. Supervision
786 of the operator's household children shall be left to the
787 discretion of the operator unless those children receive
788 subsidized child care through the school readiness program
789 pursuant to s. 1002.92 to be in the home.

790 (11) "Large family child care home" means an occupied
791 residence in which child care is regularly provided for children
792 from at least two unrelated families, which receives a payment,
793 fee, or grant for any of the children receiving care, whether or
794 not operated for profit, and which has at least two full-time
795 child care personnel on the premises during the hours of
796 operation. One of the two full-time child care personnel must be
797 the owner or occupant of the residence. A large family child
798 care home must first have operated as a licensed family child
799 ~~day~~ care home for 2 years, with an operator who has had a child
800 development associate credential or its equivalent for 1 year,
801 before seeking licensure as a large family child care home.
802 Household children under 13 years of age, when on the premises

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

803 of the large family child care home or on a field trip with
804 children enrolled in child care, shall be included in the
805 overall capacity of the licensed home. A large family child care
806 home shall be allowed to provide care for one of the following
807 groups of children, which shall include household children under
808 13 years of age:

809 (a) A maximum of 8 children from birth to 24 months of
810 age.

811 (b) A maximum of 12 children, with no more than 4 children
812 under 24 months of age.

813 **Section 10. Subsections (1) and (2) and paragraph (a) of**
814 **subsection (3) of section 402.309, Florida Statutes, are amended**
815 **to read:**

816 402.309 Provisional license or registration.—

817 (1) The local licensing agency or the department,
818 whichever is authorized to license child care facilities in a
819 county, may issue a provisional license for child care
820 facilities, family child day care homes, or large family child
821 care homes, or a provisional registration for family child day
822 care homes to applicants for an initial license or registration
823 or to licensees or registrants seeking a renewal who are unable
824 to meet all the standards provided for in ss. 402.301-402.319.

825 (2) A provisional license or registration may not be
826 issued unless the operator or owner makes adequate provisions
827 for the health and safety of the child. A provisional license

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

828 may be issued for a child care facility if all of the screening
829 materials have been timely submitted. A provisional license or
830 registration may not be issued unless the child care facility,
831 family child day care home, or large family child care home is
832 in compliance with the requirements for screening of child care
833 personnel in ss. 402.305, 402.3055, 402.313, and 402.3131,
834 respectively.

835 (3) Notwithstanding subsection (2), a local licensing
836 agency or the department, whichever is authorized to license
837 child care facilities in a county, must issue a provisional
838 license or registration if the operator or owner:

839 (a) Is applying for an initial license or registration for
840 a child care facility, a family child day care home, or a large
841 family child care home;

842 **Section 11. Paragraph (d) of subsection (1) and subsection**
843 **(4) of section 402.310, Florida Statutes, are amended to read:**

844 402.310 Disciplinary actions; hearings upon denial,
845 suspension, or revocation of license or registration;
846 administrative fines.—

847 (1)

848 (d) The disciplinary sanctions set forth in this section
849 apply to licensed child care facilities, licensed large family
850 child care homes, and licensed or registered family child day
851 care homes.

Amendment No.

852 (4) An applicant, registrant, or licensee shall have the
853 right to appeal a decision of the local licensing agency to a
854 representative of the department. Any required hearing shall be
855 held in the county in which the child care facility, family
856 child day care home, or large family child care home is being
857 operated or is to be established. The hearing shall be conducted
858 in accordance with the provisions of chapter 120.

859 **Section 12. Section 402.312, Florida Statutes, is amended**
860 **to read:**

861 402.312 License required; injunctive relief.—

862 (1) The operation of a child care facility without a
863 license, a family child day care home without a license or
864 registration, or a large family child care home without a
865 license is prohibited. If the department or the local licensing
866 agency discovers that a child care facility is being operated
867 without a license, a family child day care home is being
868 operated without a license or registration, or a large family
869 child care home is being operated without a license, the
870 department or local licensing agency is authorized to seek an
871 injunction in the circuit court where the facility is located to
872 enjoin continued operation of such facility, family child day
873 care home, or large family child care home. When the court is
874 closed for the transaction of judicial business, the department
875 or local licensing agency is authorized to seek an emergency
876 injunction to enjoin continued operation of such unlicensed

428501 - h0047-line 61.docx

Published On: 3/25/2025 7:31:47 PM

Amendment No.

877 facility, unregistered or unlicensed family child ~~day~~ care home,
878 or unlicensed large family child care home, which injunction
879 shall be continued, modified, or revoked on the next day of
880 judicial business.

881 (2) Other grounds for seeking an injunction to close a
882 child care facility, family child ~~day~~ care home, or a large
883 family child care home are that:

884 (a) There is any violation of the standards applied under
885 ss. 402.301-402.319 which threatens harm to any child in the
886 child care facility, a family child ~~day~~ care home, or large
887 family child care home.

888 (b) A licensee or registrant has repeatedly violated the
889 standards provided for under ss. 402.301-402.319.

890 (c) A child care facility, family child ~~day~~ care home, or
891 large family child care home continues to have children in
892 attendance after the closing date established by the department
893 or the local licensing agency.

894 (3) The department or local licensing agency may impose an
895 administrative fine on any child care facility, family child ~~day~~
896 care home, or large family child care home operating without a
897 license or registration, consistent with the provisions of s.
898 402.310.

899 **Section 13. Paragraphs (a), (b), and (c) of subsection (3)**
900 **of section 402.315, Florida Statutes, are amended to read:**

901 402.315 Funding; license fees.—

Amendment No.

902 (3) The department shall collect a fee for any license it
903 issues for a child care facility, family child ~~day~~ care home, or
904 large family child care home pursuant to ss. 402.305, 402.313,
905 and 402.3131.

906 (a) For a child care facility licensed pursuant to s.
907 402.305, such fee shall be \$1 per child, based on the licensed
908 capacity of the facility, except that the minimum fee shall be
909 \$25 per facility and the maximum fee shall be \$100 per facility.

910 (b) For a family child ~~day~~ care home registered pursuant
911 to s. 402.313, such fee shall be \$25.

912 (c) For a family child ~~day~~ care home licensed pursuant to
913 s. 402.313, such fee shall be \$50.

914 **Section 14. Section 402.318, Florida Statutes, is amended**
915 **to read:**

916 402.318 Advertisement.—A person, as defined in s. 1.01(3),
917 may not advertise a child care facility, family child ~~day~~ care
918 home, or large family child care home without including within
919 such advertisement the state or local agency license number or
920 registration number of such facility or home. Violation of this
921 section is a misdemeanor of the first degree, punishable as
922 provided in s. 775.082 or s. 775.083.

923 **Section 15. Section 402.319, Florida Statutes, is amended**
924 **to read:**

925 402.319 Penalties.—

Amendment No.

926 (1) It is a misdemeanor of the first degree, punishable as
927 provided in s. 775.082 or s. 775.083, for any person knowingly
928 to:

929 (a) Fail, by false statement, misrepresentation,
930 impersonation, or other fraudulent means, to disclose in any
931 application for voluntary or paid employment or licensure
932 regulated under ss. 402.301-402.318 all information required
933 under those sections or a material fact used in making a
934 determination as to such person's qualifications to be child
935 care personnel, as defined in s. 402.302, in a child care
936 facility, family child ~~day~~ care home, or other child care
937 program.

938 (b) Operate or attempt to operate a child care facility
939 without having procured a license as required by this act.

940 (c) Operate or attempt to operate a family child ~~day~~ care
941 home without a license or without registering with the
942 department, whichever is applicable.

943 (d) Operate or attempt to operate a child care facility or
944 family child ~~day~~ care home under a license that is suspended,
945 revoked, or terminated.

946 (e) Misrepresent, by act or omission, a child care
947 facility or family child ~~day~~ care home to be duly licensed
948 pursuant to this act without being so licensed.

949 (f) Make any other misrepresentation, by act or omission,
950 regarding the licensure or operation of a child care facility or

Amendment No.

951 family child ~~day~~ care home to a parent or guardian who has a
952 child placed in the facility or is inquiring as to placing a
953 child in the facility, or to a representative of the licensing
954 authority, or to a representative of a law enforcement agency,
955 including, but not limited to, any misrepresentation as to:

956 1. The number of children at the child care facility or
957 the family child ~~day~~ care home;

958 2. The part of the child care facility or family child ~~day~~
959 care home designated for child care;

960 3. The qualifications or credentials of child care
961 personnel;

962 4. Whether a family child ~~day~~ care home or child care
963 facility complies with the screening requirements of s. 402.305;
964 or

965 5. Whether child care personnel have the training as
966 required by s. 402.305.

967 (2) If any child care personnel makes any
968 misrepresentation in violation of this section to a parent or
969 guardian who has placed a child in the child care facility or
970 family child ~~day~~ care home, and the parent or guardian relied
971 upon the misrepresentation, and the child suffers great bodily
972 harm, permanent disfigurement, permanent disability, or death as
973 a result of an intentional act or negligence by the child care
974 personnel, then the child care personnel commits a felony of the

Amendment No.

975 second degree, punishable as provided in s. 775.082, s. 775.083,
976 or s. 775.084.

977 (3) Each child care facility, family child ~~day~~ care home,
978 and large family child care home shall annually submit an
979 affidavit of compliance with s. 39.201.

980

981

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984

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

985

Remove lines 26-32 and insert:

986

certain child care facilities; amending s. 402.313,

987

F.S.; removing provisions relating to educating

988

parents and children about specified topics; amending

989

s. 402.316, F.S.; providing that certain child care

990

facilities are exempt from specified requirements;

991

authorizing certain exempt child care facilities to

992

submit an application for licensure to the department

993

or a local licensing agency; requiring the department

994

and the local licensing agency to adopt rules;

995

amending s. 627.70161, F.S.; defining the term "large

996

family child care home"; providing that specified

997

insurance provisions apply to large family child care

998

homes; amending ss.402.302, 402.309, 402.310, 402.312,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 47 (2025)

Amendment No.

999 | 402.315, 402.318, and 402.319, F.S., conforming
1000 | provisions to changes made by the act; amending s.