

1 A bill to be entitled
2 An act relating to child care and early learning
3 providers; amending s. 170.201, F.S.; providing an
4 exemption for public and private preschools from
5 specified special assessments levied by a
6 municipality; defining the term "preschool"; amending
7 s. 402.305, F.S.; revising licensing standards for all
8 licensed child care facilities and minimum standards
9 and training requirements for child care personnel;
10 requiring the Department of Children and Families to
11 conduct specified screenings of child care personnel
12 within a specified timeframe and issue provisional
13 approval of such personnel under certain conditions;
14 providing an exception; revising minimum standards for
15 sanitation and safety of child care facilities; making
16 technical changes; deleting provisions relating to
17 educating parents and children about specified topics;
18 deleting provisions relating to specialized child care
19 facilities for the care of mildly ill children;
20 amending s. 402.306, F.S.; requiring a county
21 commission to annually affirm certain decisions;
22 amending s. 402.3115, F.S.; expanding the types of
23 providers to be considered when developing and
24 implementing a plan to eliminate duplicative and
25 unnecessary inspections; revising requirements for an

26 | abbreviated inspection plan for certain child care
 27 | facilities; requiring the department to adopt rules;
 28 | amending s. 402.316, F.S.; providing that certain
 29 | child care facilities are exempt from specified
 30 | requirements; amending s. 627.70161, F.S.; defining
 31 | the term "large family child care home"; providing
 32 | that specified insurance provisions apply to large
 33 | family child care homes; amending s. 1002.59, F.S.;
 34 | conforming cross-references; providing an effective
 35 | date.

36 |

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

38 |

39 | **Section 1. Subsection (2) of section 170.201, Florida**
 40 | **Statutes, is amended to read:**

41 | 170.201 Special assessments.—

42 | (2) Property owned or occupied by a religious institution
 43 | and used as a place of worship or education; by a public or
 44 | private preschool, elementary school, middle school, or high
 45 | school; or by a governmentally financed, insured, or subsidized
 46 | housing facility that is used primarily for persons who are
 47 | elderly or disabled shall be exempt from any special assessment
 48 | levied by a municipality to fund any service if the municipality
 49 | so desires. As used in this subsection, the term "religious
 50 | institution" means any church, synagogue, or other established

51 physical place for worship at which nonprofit religious services
52 and activities are regularly conducted and carried on and the
53 term "governmentally financed, insured, or subsidized housing
54 facility" means a facility that is financed by a mortgage loan
55 made or insured by the United States Department of Housing and
56 Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s.
57 232, or s. 236 of the National Housing Act and is owned or
58 operated by an entity that qualifies as an exempt charitable
59 organization under s. 501(c)(3) of the Internal Revenue Code. As
60 used in this subsection, the term "preschool" means any child
61 care facility licensed under s. 402.305.

62 **Section 2. Paragraphs (a) and (c) of subsection (1),**
63 **paragraphs (a), (e), and (f) of subsection (2), paragraphs (a)**
64 **and (c) of subsection (7), and subsections (9), (13), and (17)**
65 **of section 402.305, Florida Statutes, are amended to read:**

66 402.305 Licensing standards; child care facilities.—

67 (1) LICENSING STANDARDS.—The department shall establish
68 licensing standards that each licensed child care facility must
69 meet regardless of the origin or source of the fees used to
70 operate the facility or the type of children served by the
71 facility.

72 (a) The standards shall be designed to address ~~the~~
73 ~~following areas:~~

74 ~~1. the health and nutrition, sanitation, safety,~~
75 developmental needs, and sanitary adequate physical conditions

76 ~~surroundings~~ for all children served by ~~in~~ child care
 77 facilities.

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

79 ~~3. The child development needs of all children in child~~
 80 ~~care.~~

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

84 1. The department, in adopting rules to establish minimum
 85 standards for child care facilities, shall recognize that
 86 different age groups of children may require different
 87 standards.

88 2. The department may adopt different minimum standards
 89 for facilities that serve children in different age groups,
 90 including school-age children.

91 3. The department may create up to three classification
 92 levels for violations of licensing standards that directly
 93 relate to the health and safety of a child. A class three
 94 violation is the least serious in nature and must be the same
 95 incident of noncompliance that occurs at least three times
 96 within a 2-year period.

97 4. The department shall ~~also~~ adopt by rule a definition
 98 for child care which distinguishes between child care programs
 99 that require child care licensure and after-school programs that
 100 do not require licensure. Notwithstanding any other provision of

101 law to the contrary, minimum child care licensing standards
102 shall be developed to provide for reasonable, affordable, and
103 safe before-school and after-school care. After-school programs
104 that otherwise meet the criteria for exclusion from licensure
105 may provide snacks and meals through the federal Afterschool
106 Meal Program (AMP) administered by the Department of Health in
107 accordance with federal regulations and standards. The
108 Department of Health shall consider meals to be provided through
109 the AMP only if the program is actively participating in the
110 AMP, is in good standing with the department, and the meals meet
111 AMP requirements. Standards, at a minimum, shall allow for a
112 credentialed director to supervise multiple before-school and
113 after-school sites.

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

116 (a) Good moral character based upon screening as defined
117 in s. 402.302(15). This screening shall be conducted as provided
118 in chapter 435, using the level 2 standards for screening
119 provided set forth in that chapter, and include employment
120 history checks, a search of criminal history records, sexual
121 predator and sexual offender registries, and child abuse and
122 neglect registry of any state in which the current or
123 prospective child care personnel resided during the preceding 5
124 years. The department shall complete the screening and provide
125 the results to the child care facility within 3 business days.

126 If the department is unable to complete the screening within 3
127 business days, the department shall issue the current or
128 prospective child care personnel a 45-day provisional-hire
129 status while all required information is being requested and the
130 department is awaiting results unless the department has reason
131 to believe a disqualifying factor may exist. During the 45-day
132 period, the current or prospective child care personnel must be
133 under the direct supervision of a screened and trained staff
134 member when in contact with children.

135 (e) Minimum training requirements for child care
136 personnel.

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

141 a. State and local rules and regulations which govern
142 child care.

143 b. Health, safety, and nutrition.

144 c. Identifying and reporting child abuse and neglect.

145 d. Child development, including typical and atypical
146 language, cognitive, motor, social, and self-help skills
147 development.

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

151 f. Specialized areas, including computer technology for
152 professional and classroom use and early literacy and language
153 development of children from birth to 5 years of age, as
154 determined by the department, for owner-operators and child care
155 personnel of a child care facility.

156 g. Developmental disabilities, including autism spectrum
157 disorder and Down syndrome, and early identification, use of
158 available state and local resources, classroom integration, and
159 positive behavioral supports for children with developmental
160 disabilities.

161 h. Online training coursework, provided at no cost by the
162 department, to meet minimum training standards for child care
163 personnel.

164
165 Within 90 days after employment, child care personnel shall
166 begin training to meet the training requirements. Child care
167 personnel shall successfully complete such training within 1
168 year after the date on which the training began, as evidenced by
169 passage of an in-person or online ~~a~~ competency examination.

170 Successful completion of the 40-clock-hour introductory course
171 shall articulate into community college credit in early
172 childhood education, pursuant to ss. 1007.24 and 1007.25.

173 Exemption from all or a portion of the required training shall
174 be granted to child care personnel based upon educational
175 credentials or passage of competency examinations. Child care

176 personnel possessing a 2-year degree or higher that includes 6
177 college credit hours in early childhood development or child
178 growth and development, or a child development associate
179 credential or an equivalent state-approved child development
180 associate credential, or a child development associate waiver
181 certificate shall be automatically exempted from the training
182 requirements in sub-subparagraphs b., d., and e.

183 ~~2. The introductory course in child care shall stress, to~~
184 ~~the extent possible, an interdisciplinary approach to the study~~
185 ~~of children.~~

186 2.3. The introductory course shall cover recognition and
187 prevention of shaken baby syndrome; prevention of sudden infant
188 death syndrome; recognition and care of infants and toddlers
189 with developmental disabilities, including autism spectrum
190 disorder and Down syndrome; and early childhood brain
191 development within the topic areas identified in this paragraph.

192 3.4. On an annual basis in order to further their child
193 care skills and, if appropriate, administrative skills, child
194 care personnel who have fulfilled the requirements for the child
195 care training shall be required to take an additional 1
196 continuing education unit of approved inservice training, or 10
197 clock hours of equivalent training, as determined by the
198 department.

199 4.5. Child care personnel shall be required to complete
200 0.5 continuing education unit of approved training or 5 clock

201 hours of equivalent training, as determined by the department,
202 in early literacy and language development of children from
203 birth to 5 years of age one time. The year that this training is
204 completed, it shall fulfill the 0.5 continuing education unit or
205 5 clock hours of the annual training required in subparagraph 3.
206 ~~4.~~

207 ~~5.6.~~ Procedures for ensuring the training of qualified
208 child care professionals to provide training of child care
209 personnel, including onsite training, shall be included in the
210 minimum standards. It is recommended that the state community
211 child care coordination agencies (central agencies) be
212 contracted by the department to coordinate such training when
213 possible. Other district educational resources, such as
214 community colleges and career programs, can be designated in
215 such areas where central agencies may not exist or are
216 determined not to have the capability to meet the coordination
217 requirements set forth by the department.

218 ~~6.7.~~ Training requirements do ~~shall~~ not apply to certain
219 occasional or part-time support staff, including, but not
220 limited to, swimming instructors, piano teachers, dance
221 instructors, and gymnastics instructors.

222 ~~7.8.~~ The child care operator shall be required to take
223 basic training in serving children with disabilities within 5
224 years after employment, either as a part of the introductory
225 training or the annual 8 hours of inservice training.

226 (f) Periodic health examinations for child care facility
 227 drivers.

228 (7) SANITATION AND SAFETY.—

229 (a) Minimum standards must ~~shall~~ include requirements for
 230 sanitary and safety conditions, first aid treatment, emergency
 231 procedures, and pediatric cardiopulmonary resuscitation. The
 232 minimum standards must ~~shall~~ require that at least one staff
 233 person trained in person in cardiopulmonary resuscitation, as
 234 evidenced by current documentation of course completion, ~~must~~ be
 235 present at all times that children are present.

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

240 (9) ADMISSIONS AND RECORDKEEPING.—

241 (a) Minimum standards shall include requirements for
 242 preadmission and periodic health examinations, requirements for
 243 immunizations, and requirements for maintaining emergency
 244 information and health records on all children.

245 ~~(b) During the months of August and September of each~~
 246 ~~year, each child care facility shall provide parents of children~~
 247 ~~enrolled in the facility detailed information regarding the~~
 248 ~~causes, symptoms, and transmission of the influenza virus in an~~
 249 ~~effort to educate those parents regarding the importance of~~
 250 ~~immunizing their children against influenza as recommended by~~

251 ~~the Advisory Committee on Immunization Practices of the Centers~~
252 ~~for Disease Control and Prevention.~~

253 ~~(c) During the months of April and September of each year,~~
254 ~~at a minimum, each facility shall provide parents of children~~
255 ~~enrolled in the facility information regarding the potential for~~
256 ~~a distracted adult to fail to drop off a child at the facility~~
257 ~~and instead leave the child in the adult's vehicle upon arrival~~
258 ~~at the adult's destination. The child care facility shall also~~
259 ~~give parents information about resources with suggestions to~~
260 ~~avoid this occurrence. The department shall develop a flyer or~~
261 ~~brochure with this information that shall be posted to the~~
262 ~~department's website, which child care facilities may choose to~~
263 ~~reproduce and provide to parents to satisfy the requirements of~~
264 ~~this paragraph.~~

265 (b)~~(d)~~ Because of the nature and duration of drop-in child
266 care, requirements for preadmission and periodic health
267 examinations and requirements for medically signed records of
268 immunization required for child care facilities shall not apply.
269 A parent of a child in drop-in child care shall, however, be
270 required to attest to the child's health condition and the type
271 and current status of the child's immunizations.

272 (c)~~(e)~~ Any child shall be exempt from medical or physical
273 examination or medical or surgical treatment upon written
274 request of the parent or guardian of such child who objects to
275 the examination and treatment. However, the laws, rules, and

276 regulations relating to contagious or communicable diseases and
 277 sanitary matters shall not be violated because of any exemption
 278 from or variation of the health and immunization minimum
 279 standards.

280 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure
 281 that each child care facility has and implements a written plan
 282 for the daily provision of varied activities and active and
 283 quiet play opportunities appropriate to the age of the child.
 284 ~~The written plan must include a program, to be implemented~~
 285 ~~periodically for children of an appropriate age, which will~~
 286 ~~assist the children in preventing and avoiding physical and~~
 287 ~~mental abuse.~~

288 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~
 289 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~
 290 ~~department, in conjunction with the Department of Health, for~~
 291 ~~specialized child care facilities for the care of mildly ill~~
 292 ~~children. The minimum standards shall address the following~~
 293 ~~areas: personnel requirements; staff-to-child ratios; staff~~
 294 ~~training and credentials; health and safety; physical facility~~
 295 ~~requirements, including square footage; client eligibility,~~
 296 ~~including a definition of "mildly ill children"; sanitation and~~
 297 ~~safety; admission and recordkeeping; dispensing of medication;~~
 298 ~~and a schedule of activities.~~

299 **Section 3. Subsection (1) of section 402.306, Florida**
 300 **Statutes, is amended to read:**

301 402.306 Designation of licensing agency; dissemination by
 302 the department and local licensing agency of information on
 303 child care.—

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

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

308 2. ~~(b)~~ Contract with the department to delegate the
 309 administration of state minimum standards in the county to the
 310 department.

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

314 **Section 4. Section 402.3115, Florida Statutes, is amended**
 315 **to read:**

316 402.3115 Elimination of duplicative and unnecessary
 317 inspections; abbreviated inspections.—

318 (1) The Department of Children and Families and local
 319 governmental agencies that license child care facilities shall
 320 develop and implement a plan to eliminate duplicative and
 321 unnecessary inspections of child care facilities, family day
 322 care homes, and large family child care homes.

323 (2) (a) ~~In addition,~~ The department and the local
 324 governmental agencies shall develop and implement an abbreviated
 325 inspection plan for child care facilities that meets all of the

326 following conditions:

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

328 2. Have not had a ~~ne~~ Class 1 deficiency, as defined by
329 rule, for at least 2 consecutive years.

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

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

335 5. Do not have any current uncorrected violations.

336 6. Do not have any open regulatory complaints or active
337 child protective services investigations.

338 (b) The abbreviated inspection must include those elements
339 identified by the department and ~~the local governmental agencies~~
340 as being key indicators of whether the child care facility
341 continues to provide quality care and programming and must be
342 updated every 5 years.

343 (3) The department shall adopt rules and revise policies
344 based on the recommendations in the report.

345 (4) The department shall revise the plan under subsection
346 (1) as necessary to maintain the validity and effectiveness of
347 inspections.

348 **Section 5. Subsection (1) of section 402.316, Florida**
349 **Statutes, is amended to read:**

350 402.316 Exemptions.—

351 (1) The provisions of ss. 402.301-402.319, except for the
352 requirements regarding screening of child care personnel, shall
353 not apply to a child care facility which is an integral part of
354 church or parochial schools, or a child care facility that
355 solely provides child care to eligible children as defined in s.
356 402.261(1)(c), conducting regularly scheduled classes, courses
357 of study, or educational programs accredited by, or by a member
358 of, an organization which publishes and requires compliance with
359 its standards for health, safety, and sanitation. However, such
360 facilities shall meet minimum requirements of the applicable
361 local governing body as to health, sanitation, and safety and
362 shall meet the screening requirements pursuant to ss. 402.305
363 and 402.3055. Failure by a facility to comply with such
364 screening requirements shall result in the loss of the
365 facility's exemption from licensure.

366 **Section 6. Section 627.70161, Florida Statutes, is amended**
367 **to read:**

368 627.70161 Family day care and large family child care
369 insurance.—

370 (1) PURPOSE AND INTENT.—The Legislature recognizes that
371 family day care homes and large family child care homes fulfill
372 a vital role in providing child care in Florida. It is the
373 intent of the Legislature that residential property insurance
374 coverage should not be canceled, denied, or nonrenewed solely on
375 the basis of the ~~family~~ day care or child care services at the

376 residence. The Legislature also recognizes that the potential
377 liability of residential property insurers is substantially
378 increased by the rendition of child care services on the
379 premises. The Legislature therefore finds that there is a public
380 need to specify that contractual liabilities that arise in
381 connection with the operation of the family day care home or
382 large family child care home are excluded from residential
383 property insurance policies unless they are specifically
384 included in such coverage.

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

386 (a) "Child care" means the care, protection, and
387 supervision of a child, for a period of less than 24 hours a day
388 on a regular basis, which supplements parental care, enrichment,
389 and health supervision for the child, in accordance with his or
390 her individual needs, and for which a payment, fee, or grant is
391 made for care.

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

397 (c) "Large family child care home" means an occupied
398 residence in which child care is regularly provided for children
399 from at least two unrelated families, which receives a payment,
400 fee, or grant for any of the children receiving care, regardless

401 of whether operated for profit, and which has at least two full-
402 time child care personnel on the premises during the hours of
403 operation. One of the two full-time child care personnel must be
404 the owner or occupant of the residence. A large family child
405 care home must first have operated as a licensed family day care
406 home for at least 2 years, with an operator who has held a child
407 development associate credential or its equivalent for at least
408 1 year, before seeking licensure as a large family child care
409 home. Household children under 13 years of age, when on the
410 premises of the large family child care home or on a field trip
411 with children enrolled in child care, must be included in the
412 overall capacity of the licensed home. A large family child care
413 home may provide care for one of the following groups of
414 children, which must include household children under 13 years
415 of age:

416 1. A maximum of eight children from birth to 24 months of
417 age.

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

420 (3) FAMILY DAY CARE AND LARGE FAMILY CHILD CARE;
421 COVERAGE.—A residential property insurance policy may ~~shall~~ not
422 provide coverage for liability for claims arising out of, or in
423 connection with, the operation of a family day care home or
424 large family child care home, and the insurer shall be under no
425 obligation to defend against lawsuits covering such claims,

426 unless:

427 (a) Specifically covered in a policy; or

428 (b) Covered by a rider or endorsement for business

429 coverage attached to a policy.

430 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An

431 insurer may not deny, cancel, or refuse to renew a policy for

432 residential property insurance solely on the basis that the

433 policyholder or applicant operates a family day care home or

434 large family child care home. In addition to other lawful

435 reasons for refusing to insure, an insurer may deny, cancel, or

436 refuse to renew a policy of a family day care home or large

437 family child care home provider if one or more of the following

438 conditions occur:

439 (a) The policyholder or applicant provides care for more

440 children than authorized ~~for family day care homes~~ by s.

441 402.302;

442 (b) The policyholder or applicant fails to maintain a

443 separate commercial liability policy or an endorsement providing

444 liability coverage for the family day care home or large family

445 child care home operations;

446 (c) The policyholder or applicant fails to comply with the

447 applicable ~~family day care home~~ licensure and registration

448 requirements specified in chapter 402 ~~s. 402.313~~; or

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

450 omissions or any violations of state laws or regulations

451 establishing safety standards for family day care homes or large
452 family child care home by the named insured or his or her
453 representative which materially increase any of the risks
454 insured.

455 **Section 7. Subsection (1) of section 1002.59, Florida**
456 **Statutes, is amended to read:**

457 1002.59 Emergent literacy and performance standards
458 training courses.—

459 (1) The department, in collaboration with the Just Read,
460 Florida! Office, shall adopt minimum standards for courses in
461 emergent literacy for prekindergarten instructors. Each course
462 must consist of 5 clock hours and provide instruction in
463 strategies and techniques to address the age-appropriate
464 progress of prekindergarten students in developing emergent
465 literacy skills, including oral communication, knowledge of
466 print and letters, phonological and phonemic awareness,
467 vocabulary and comprehension development, and foundational
468 background knowledge designed to correlate with the content that
469 students will encounter in grades K-12, consistent with the
470 evidence-based content and strategies grounded in the science of
471 reading identified pursuant to s. 1001.215(7). The course
472 standards must be reviewed as part of any review of subject
473 coverage or endorsement requirements in the elementary, reading,
474 and exceptional student educational areas conducted pursuant to
475 s. 1012.586. Each course must also provide resources containing

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476 strategies that allow students with disabilities and other
477 special needs to derive maximum benefit from the Voluntary
478 Prekindergarten Education Program. Successful completion of an
479 emergent literacy training course approved under this section
480 satisfies requirements for approved training in early literacy
481 and language development under ss. 402.305(2)(e)4., 402.313(6),
482 and 402.3131(5) ~~ss. 402.305(2)(e)5., 402.313(6), and~~
483 ~~402.3131(5).~~

484 **Section 8.** This act shall take effect July 1, 2025.