

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;
16 removing provisions relating to educating parents and
17 children about specified topics; removing provisions
18 relating to specialized child care facilities for the
19 care of mildly ill children; amending s. 402.306,
20 F.S.; requiring a county commission to annually affirm
21 certain decisions; amending s. 402.3115, F.S.;
22 expanding the types of providers to be considered when
23 developing and implementing a plan to eliminate
24 duplicative and unnecessary inspections; revising
25 requirements for an abbreviated inspection plan for

26 certain child care facilities; amending s. 402.316,
27 F.S.; providing that certain child care facilities are
28 exempt from specified requirements; authorizing
29 certain exempt child care facilities to submit an
30 application for licensure to the department or a local
31 licensing agency; requiring the department and the
32 local licensing agency to adopt rules; amending s.
33 1002.59, F.S.; conforming cross-references; providing
34 an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 **Section 1. Subsection (2) of section 170.201, Florida**
39 **Statutes, is amended to read:**

40 170.201 Special assessments.—

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

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

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

65 402.305 Licensing standards; child care facilities.—

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

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

73 ~~1. the health and nutrition, sanitation, safety,~~
74 developmental needs, and sanitary adequate physical conditions
75 ~~surroundings~~ for all children served by ~~in~~ child care

76 facilities.

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

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

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

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

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

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

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

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

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

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

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

(e) Minimum training requirements for child care personnel.

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

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

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

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

e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to 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.

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

(7) SANITATION AND SAFETY.—

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

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

(9) ADMISSIONS AND RECORDKEEPING.—

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

~~(b) During the months of August and September of each year, each child care facility shall provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of 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:**

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

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

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

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

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

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

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

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

(2) (a) In addition, The department and the local governmental agencies shall develop and implement an abbreviated inspection plan for child care facilities, family day care

homes, and large family child care homes that meet all of the following conditions:

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

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

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

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

5. Do not have any current uncorrected violations.

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

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

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

Section 5. Section 402.316, Florida Statutes, is amended to read:

402.316 Exemptions.—

(1) The provisions of ss. 402.301-402.319, except for the

requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools, or a child care facility that solely provides child care to eligible children as defined in s. 402.261(1)(c), conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.

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

376 licensed under chapter 402.

377 ~~(3)(2) Any county or city with state or local child care~~
378 ~~licensing programs in existence on July 1, 1974, will continue~~
379 ~~to license the child care facility facilities as covered by such~~
380 ~~programs, notwithstanding the exemption under provisions of~~
381 ~~subsection (1), desiring to be licensed, is authorized to do so~~
382 ~~by submitting an application to the department or local~~
383 ~~licensing agency pursuant to s. 402.308(4) until and unless the~~
384 ~~licensing agency makes a determination to exempt them.~~

385 ~~(4)(3) The department and the local licensing agency~~
386 ~~pursuant to s. 402.308(4) shall adopt rules to administer and~~
387 ~~implement the provisions of this section, including, but not~~
388 ~~limited to, any assessments of previous licensure history Any~~
389 ~~child care facility covered by the exemption provisions of~~
390 ~~subsection (1), but desiring to be included in this act, is~~
391 ~~authorized to do so by submitting notification to the~~
392 ~~department. Once licensed, such facility cannot withdraw from~~
393 ~~the act and continue to operate.~~

394 **Section 6. Subsection (1) of section 1002.59, Florida**
395 **Statutes, is amended to read:**

396 1002.59 Emergent literacy and performance standards
397 training courses.—

398 (1) The department, in collaboration with the Just Read,
399 Florida! Office, shall adopt minimum standards for courses in
400 emergent literacy for prekindergarten instructors. Each course

must consist of 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, vocabulary and comprehension development, and foundational background knowledge designed to correlate with the content that students will encounter in grades K-12, consistent with the evidence-based content and strategies grounded in the science of reading identified pursuant to s. 1001.215(7). The course standards must be reviewed as part of any review of subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas conducted pursuant to s. 1012.586. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)4., 402.313(6), and 402.3131(5) ~~ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).~~

Section 7. This act shall take effect July 1, 2025.