

By Senator Burton

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1 A bill to be entitled
2 An act relating to child care and early learning
3 providers; amending s. 170.201, F.S.; exempting public
4 and private preschools from specified special
5 assessments levied by a municipality; defining the
6 term "preschool"; amending s. 402.305, F.S.; revising
7 licensing standards for all licensed child care
8 facilities and minimum standards and training
9 requirements for child care personnel; requiring the
10 Department of Children and Families to conduct
11 specified screenings of child care personnel within a
12 specified timeframe and issue provisional approval of
13 such personnel under certain conditions; providing an
14 exception; revising minimum standards for sanitation
15 and safety of child care facilities; making technical
16 changes; deleting provisions relating to educating
17 parents and children about specified topics; deleting
18 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 affirm annually 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 review and
28 update certain elements included in such abbreviated
29 inspections; requiring the department to revise the

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30 abbreviated inspection plan as necessary; amending s.
31 402.316, F.S.; providing that certain child care
32 facilities are exempt from specified requirements;
33 amending s. 627.70161, F.S.; defining the term "large
34 family child care home"; providing that specified
35 insurance provisions apply to large family child care
36 homes; amending s. 1002.59, F.S.; conforming a cross-
37 reference; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Subsection (2) of section 170.201, Florida
42 Statutes, is amended to read:

43 170.201 Special assessments.—

44 (2) Property owned or occupied by a religious institution
45 and used as a place of worship or education; by a public or
46 private preschool, elementary school, middle school, or high
47 school; or by a governmentally financed, insured, or subsidized
48 housing facility that is used primarily for persons who are
49 elderly or disabled shall be exempt from any special assessment
50 levied by a municipality to fund any service if the municipality
51 so desires. As used in this subsection, the term "religious
52 institution" means any church, synagogue, or other established
53 physical place for worship at which nonprofit religious services
54 and activities are regularly conducted and carried on and the
55 term "governmentally financed, insured, or subsidized housing
56 facility" means a facility that is financed by a mortgage loan
57 made or insured by the United States Department of Housing and
58 Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s.

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59 232, or s. 236 of the National Housing Act and is owned or
60 operated by an entity that qualifies as an exempt charitable
61 organization under s. 501(c)(3) of the Internal Revenue Code. As
62 used in this subsection, the term "preschool" means any child
63 care facility licensed under s. 402.305.

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

68 402.305 Licensing standards; child care facilities.—

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

74 (a) The standards shall be designed to address ~~the~~
75 ~~following areas:~~

76 ~~1. the health and nutrition, sanitation, safety,~~
77 ~~developmental needs, and sanitary adequate physical conditions~~
78 ~~surroundings for all children served by in child care~~
79 ~~facilities.~~

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

81 ~~3. The child development needs of all children in child~~
82 ~~care.~~

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

86 1. The department, in adopting rules to establish minimum
87 standards for child care facilities, shall recognize that

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88 different age groups of children may require different
89 standards.

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

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

99 4. The department shall ~~also~~ adopt by rule a definition for
100 child care which distinguishes between child care programs that
101 require child care licensure and after-school programs that do
102 not require licensure. Notwithstanding any other provision of
103 law to the contrary, minimum child care licensing standards
104 shall be developed to provide for reasonable, affordable, and
105 safe before-school and after-school care. After-school programs
106 that otherwise meet the criteria for exclusion from licensure
107 may provide snacks and meals through the federal Afterschool
108 Meal Program (AMP) administered by the Department of Health in
109 accordance with federal regulations and standards. The
110 Department of Health shall consider meals to be provided through
111 the AMP only if the program is actively participating in the
112 AMP, is in good standing with the department, and the meals meet
113 AMP requirements. Standards, at a minimum, shall allow for a
114 credentialed director to supervise multiple before-school and
115 after-school sites.

116 (2) PERSONNEL.—Minimum standards for child care personnel

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117 shall include minimum requirements as to:

118 (a) Good moral character based upon screening as defined in
119 s. 402.302(15). This screening shall be conducted as provided in
120 chapter 435, using the level 2 standards for screening provided
121 ~~set forth~~ in that chapter, and include employment history
122 checks, a search of criminal history records, sexual predator
123 and sexual offender registries, and child abuse and neglect
124 registry of any state in which the current or prospective child
125 care personnel resided during the preceding 5 years. The
126 department shall complete the screening and provide the results
127 to the child care facility within 3 business days. If the
128 department is unable to complete the screening within 3 business
129 days, the department shall issue the current or prospective
130 child care personnel a 45-day provisional-hire status while all
131 required information is being requested and the department is
132 awaiting results unless the department has reason to believe a
133 disqualifying factor may exist. During the 45-day period, the
134 current or prospective child care personnel must be under the
135 direct supervision of a screened and trained staff member when
136 in contact with children.

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

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

- 142 a. State and local rules and regulations which govern child
143 care.
- 144 b. Health, safety, and nutrition.
- 145 c. Identifying and reporting child abuse and neglect.

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

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

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

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

162

163 Within 90 days after employment, child care personnel shall
164 begin training to meet the training requirements. Child care
165 personnel shall successfully complete such training within 1
166 year after the date on which the training began, as evidenced by
167 passage of a competency examination. Successful completion of
168 the 40-clock-hour introductory course shall articulate into
169 community college credit in early childhood education, pursuant
170 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
171 the required training shall be granted to child care personnel
172 based upon educational credentials or passage of competency
173 examinations. Child care personnel possessing a 2-year degree or
174 higher that includes 6 college credit hours in early childhood

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175 development or child growth and development, or a child
176 development associate credential or an equivalent state-approved
177 child development associate credential, or a child development
178 associate waiver certificate shall be automatically exempted
179 from the training requirements in sub-subparagraphs b., d., and
180 e.

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

184 2.3. The introductory course shall cover recognition and
185 prevention of shaken baby syndrome; prevention of sudden infant
186 death syndrome; recognition and care of infants and toddlers
187 with developmental disabilities, including autism spectrum
188 disorder and Down syndrome; and early childhood brain
189 development within the topic areas identified in this paragraph.

190 3.4. On an annual basis in order to further their child
191 care skills and, if appropriate, administrative skills, child
192 care personnel who have fulfilled the requirements for the child
193 care training shall be required to take an additional 1
194 continuing education unit of approved inservice training, or 10
195 clock hours of equivalent training, as determined by the
196 department.

197 4.5. Child care personnel shall be required to complete 0.5
198 continuing education unit of approved training or 5 clock hours
199 of equivalent training, as determined by the department, in
200 early literacy and language development of children from birth
201 to 5 years of age one time. The year that this training is
202 completed, it shall fulfill the 0.5 continuing education unit or
203 5 clock hours of the annual training required in subparagraph 3.

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204 ~~4.~~

205 ~~5.6.~~ Procedures for ensuring the training of qualified
206 child care professionals to provide training of child care
207 personnel, including onsite training, shall be included in the
208 minimum standards. It is recommended that the state community
209 child care coordination agencies (central agencies) be
210 contracted by the department to coordinate such training when
211 possible. Other district educational resources, such as
212 community colleges and career programs, can be designated in
213 such areas where central agencies may not exist or are
214 determined not to have the capability to meet the coordination
215 requirements set forth by the department.

216 ~~6.7.~~ Training requirements do ~~shall~~ not apply to certain
217 occasional or part-time support staff, including, but not
218 limited to, swimming instructors, piano teachers, dance
219 instructors, and gymnastics instructors.

220 ~~7.8.~~ The child care operator shall be required to take
221 basic training in serving children with disabilities within 5
222 years after employment, either as a part of the introductory
223 training or the annual 8 hours of inservice training.

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

226 (7) SANITATION AND SAFETY.—

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

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233 present at all times that children are present.

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

238 (9) ADMISSIONS AND RECORDKEEPING.—

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

243 ~~(b) During the months of August and September of each year,~~
244 ~~each child care facility shall provide parents of children~~
245 ~~enrolled in the facility detailed information regarding the~~
246 ~~causes, symptoms, and transmission of the influenza virus in an~~
247 ~~effort to educate those parents regarding the importance of~~
248 ~~immunizing their children against influenza as recommended by~~
249 ~~the Advisory Committee on Immunization Practices of the Centers~~
250 ~~for Disease Control and Prevention.~~

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

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262 ~~this paragraph.~~

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

270 (c)~~(e)~~ Any child shall be exempt from medical or physical
271 examination or medical or surgical treatment upon written
272 request of the parent or guardian of such child who objects to
273 the examination and treatment. However, the laws, rules, and
274 regulations relating to contagious or communicable diseases and
275 sanitary matters shall not be violated because of any exemption
276 from or variation of the health and immunization minimum
277 standards.

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

286 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~
287 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~
288 ~~department, in conjunction with the Department of Health, for~~
289 ~~specialized child care facilities for the care of mildly ill~~
290 ~~children. The minimum standards shall address the following~~

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291 ~~areas: personnel requirements; staff to child ratios; staff~~
292 ~~training and credentials; health and safety; physical facility~~
293 ~~requirements, including square footage; client eligibility,~~
294 ~~including a definition of "mildly ill children"; sanitation and~~
295 ~~safety; admission and recordkeeping; dispensing of medication;~~
296 ~~and a schedule of activities.~~

297 Section 3. Subsection (1) of section 402.306, Florida
298 Statutes, is amended to read:

299 402.306 Designation of licensing agency; dissemination by
300 the department and local licensing agency of information on
301 child care.—

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

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

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

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

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

314 402.3115 Elimination of duplicative and unnecessary
315 inspections; abbreviated inspections.—

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

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320 care homes, and large family child care homes.

321 (2) (a) ~~In addition,~~ The department and the local
322 governmental agencies shall develop and implement an abbreviated
323 inspection plan for child care facilities that meet all of the
324 following conditions:

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

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

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

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

333 5. Do not have any current uncorrected violations.

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

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

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

344 Section 5. Subsection (1) of section 402.316, Florida
345 Statutes, is amended to read:

346 402.316 Exemptions.—

347 (1) The provisions of ss. 402.301-402.319, except for the
348 requirements regarding screening of child care personnel, shall

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

362 Section 6. Section 627.70161, Florida Statutes, is amended
363 to read:

364 627.70161 Family day care and large family child care
365 insurance.—

366 (1) PURPOSE AND INTENT.—The Legislature recognizes that
367 family day care homes and large family child care homes fulfill
368 a vital role in providing child care in Florida. It is the
369 intent of the Legislature that residential property insurance
370 coverage should not be canceled, denied, or nonrenewed solely on
371 the basis of the ~~family~~ day care or child care services at the
372 residence. The Legislature also recognizes that the potential
373 liability of residential property insurers is substantially
374 increased by the rendition of child care services on the
375 premises. The Legislature therefore finds that there is a public
376 need to specify that contractual liabilities that arise in
377 connection with the operation of the family day care home or

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378 large family child care home are excluded from residential
379 property insurance policies unless they are specifically
380 included in such coverage.

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

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

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

393 (c) "Large family child care home" means an occupied
394 residence in which child care is regularly provided for children
395 from at least two unrelated families, which receives a payment,
396 fee, or grant for any of the children receiving care, regardless
397 of whether operated for profit, and which has at least two full-
398 time child care personnel on the premises during the hours of
399 operation. One of the two full-time child care personnel must be
400 the owner or occupant of the residence. A large family child
401 care home must first have operated as a licensed family day care
402 home for at least 2 years, with an operator who has held a child
403 development associate credential or its equivalent for at least
404 1 year, before seeking licensure as a large family child care
405 home. Household children under 13 years of age, when on the
406 premises of the large family child care home or on a field trip

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407 with children enrolled in child care, must be included in the
 408 overall capacity of the licensed home. A large family child care
 409 home may provide care for one of the following groups of
 410 children, which must include household children under 13 years
 411 of age:

412 1. A maximum of eight children from birth to 24 months of
 413 age.

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

416 (3) FAMILY DAY CARE AND LARGE FAMILY CHILD CARE; COVERAGE.-

417 A residential property insurance policy may ~~shall~~ not provide
 418 coverage for liability for claims arising out of, or in
 419 connection with, the operation of a family day care home or
 420 large family child care home, and the insurer shall be under no
 421 obligation to defend against lawsuits covering such claims,
 422 unless:

423 (a) Specifically covered in a policy; or

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

426 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.-An

427 insurer may not deny, cancel, or refuse to renew a policy for
 428 residential property insurance solely on the basis that the
 429 policyholder or applicant operates a family day care home or
 430 large family child care home. In addition to other lawful
 431 reasons for refusing to insure, an insurer may deny, cancel, or
 432 refuse to renew a policy of a family day care home or large
 433 family child care home provider if one or more of the following
 434 conditions occur:

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

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436 children than authorized ~~for family day care homes~~ by s.
437 402.302;

438 (b) The policyholder or applicant fails to maintain a
439 separate commercial liability policy or an endorsement providing
440 liability coverage for the family day care home or large family
441 child care home operations;

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

445 (d) Discovery of willful or grossly negligent acts or
446 omissions or any violations of state laws or regulations
447 establishing safety standards for family day care homes or large
448 family child care homes by the named insured or his or her
449 representative which materially increase any of the risks
450 insured.

451 Section 7. Subsection (1) of section 1002.59, Florida
452 Statutes, is amended to read:

453 1002.59 Emergent literacy and performance standards
454 training courses.—

455 (1) The department, in collaboration with the Just Read,
456 Florida! Office, shall adopt minimum standards for courses in
457 emergent literacy for prekindergarten instructors. Each course
458 must consist of 5 clock hours and provide instruction in
459 strategies and techniques to address the age-appropriate
460 progress of prekindergarten students in developing emergent
461 literacy skills, including oral communication, knowledge of
462 print and letters, phonological and phonemic awareness,
463 vocabulary and comprehension development, and foundational
464 background knowledge designed to correlate with the content that

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465 students will encounter in grades K-12, consistent with the
466 evidence-based content and strategies grounded in the science of
467 reading identified pursuant to s. 1001.215(7). The course
468 standards must be reviewed as part of any review of subject
469 coverage or endorsement requirements in the elementary, reading,
470 and exceptional student educational areas conducted pursuant to
471 s. 1012.586. Each course must also provide resources containing
472 strategies that allow students with disabilities and other
473 special needs to derive maximum benefit from the Voluntary
474 Prekindergarten Education Program. Successful completion of an
475 emergent literacy training course approved under this section
476 satisfies requirements for approved training in early literacy
477 and language development under ss. 402.305(2)(e)4., 402.313(6),
478 and 402.3131(5) ~~ss. 402.305(2)(e)5., 402.313(6), and~~
479 ~~402.3131(5).~~

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