

By the Committee on Children, Families, and Elder Affairs; and
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, family day care homes, and large family
28 child care homes; requiring the department to review
29 and update certain elements included in such

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30 abbreviated inspections; requiring the department to
31 revise the abbreviated inspection plan as necessary;
32 amending s. 402.316, F.S.; providing that certain
33 child care facilities and family day care homes are
34 exempt from specified requirements; deleting a
35 provision requiring a county or city with certain
36 child care licensing programs in existence on a
37 specified date to continue to license certain
38 facilities under certain circumstances; authorizing
39 certain exempt child care facilities to submit an
40 application for licensure to the department or a local
41 licensing agency; requiring the department and the
42 local licensing agency to adopt rules; amending s.
43 1002.59, F.S.; conforming a cross-reference; providing
44 an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Subsection (2) of section 170.201, Florida
49 Statutes, is amended to read:

50 170.201 Special assessments.—

51 (2) Property owned or occupied by a religious institution
52 and used as a place of worship or education; by a public or
53 private preschool, elementary school, middle school, or high
54 school; or by a governmentally financed, insured, or subsidized
55 housing facility that is used primarily for persons who are
56 elderly or disabled shall be exempt from any special assessment
57 levied by a municipality to fund any service if the municipality
58 so desires. As used in this subsection, the term "religious

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59 institution" means any church, synagogue, or other established
60 physical place for worship at which nonprofit religious services
61 and activities are regularly conducted and carried on and the
62 term "governmentally financed, insured, or subsidized housing
63 facility" means a facility that is financed by a mortgage loan
64 made or insured by the United States Department of Housing and
65 Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s.
66 232, or s. 236 of the National Housing Act and is owned or
67 operated by an entity that qualifies as an exempt charitable
68 organization under s. 501(c)(3) of the Internal Revenue Code. As
69 used in this subsection, the term "preschool" means any child
70 care facility licensed under s. 402.305.

71 Section 2. Paragraphs (a) and (c) of subsection (1),
72 paragraphs (a), (e), and (f) of subsection (2), paragraphs (a)
73 and (c) of subsection (7), and subsections (9), (13), and (17)
74 of section 402.305, Florida Statutes, are amended to read:

75 402.305 Licensing standards; child care facilities.—

76 (1) LICENSING STANDARDS.—The department shall establish
77 licensing standards that each licensed child care facility must
78 meet regardless of the origin or source of the fees used to
79 operate the facility or the type of children served by the
80 facility.

81 (a) The standards shall be designed to address ~~the~~
82 ~~following areas:~~

83 ~~1. the health and nutrition, sanitation, safety,~~
84 developmental needs, and sanitary adequate physical conditions
85 surroundings for all children served by in child care
86 facilities.

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

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88 ~~3. The child development needs of all children in child~~
89 ~~care.~~

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

93 1. The department, in adopting rules to establish minimum
94 standards for child care facilities, shall recognize that
95 different age groups of children may require different
96 standards.

97 2. The department may adopt different minimum standards for
98 facilities that serve children in different age groups,
99 including school-age children.

100 3. The department may create up to three classification
101 levels for violations of licensing standards that directly
102 relate to the health and safety of a child. A class three
103 violation is the least serious in nature and must be the same
104 incident of noncompliance that occurs at least three times
105 within a 2-year period.

106 4. The department shall ~~also~~ adopt by rule a definition for
107 child care which distinguishes between child care programs that
108 require child care licensure and after-school programs that do
109 not require licensure. Notwithstanding any other provision of
110 law to the contrary, minimum child care licensing standards
111 shall be developed to provide for reasonable, affordable, and
112 safe before-school and after-school care. After-school programs
113 that otherwise meet the criteria for exclusion from licensure
114 may provide snacks and meals through the federal Afterschool
115 Meal Program (AMP) administered by the Department of Health in
116 accordance with federal regulations and standards. The

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117 Department of Health shall consider meals to be provided through
118 the AMP only if the program is actively participating in the
119 AMP, is in good standing with the department, and the meals meet
120 AMP requirements. Standards, at a minimum, shall allow for a
121 credentialed director to supervise multiple before-school and
122 after-school sites.

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

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

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

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

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

152 b. Health, safety, and nutrition.

153 c. Identifying and reporting child abuse and neglect.

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

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

160 f. Specialized areas, including computer technology for
161 professional and classroom use and early literacy and language
162 development of children from birth to 5 years of age, as
163 determined by the department, for owner-operators and child care
164 personnel of a child care facility.

165 g. Developmental disabilities, including autism spectrum
166 disorder and Down syndrome, and early identification, use of
167 available state and local resources, classroom integration, and
168 positive behavioral supports for children with developmental
169 disabilities.

170 h. Online training coursework, provided at no cost by the
171 department, to meet minimum training standards for child care
172 personnel.

173
174 Within 90 days after employment, child care personnel shall

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175 begin training to meet the training requirements. Child care
176 personnel shall successfully complete such training within 1
177 year after the date on which the training began, as evidenced by
178 passage of an in-person or online a competency examination.
179 Successful completion of the 40-clock-hour introductory course
180 shall articulate into community college credit in early
181 childhood education, pursuant to ss. 1007.24 and 1007.25.
182 Exemption from all or a portion of the required training shall
183 be granted to child care personnel based upon educational
184 credentials or passage of competency examinations. Child care
185 personnel possessing a 2-year degree or higher that includes 6
186 college credit hours in early childhood development or child
187 growth and development, or a child development associate
188 credential or an equivalent state-approved child development
189 associate credential, or a child development associate waiver
190 certificate shall be automatically exempted from the training
191 requirements in sub-subparagraphs b., d., and e.

192 ~~2. The introductory course in child care shall stress, to~~
193 ~~the extent possible, an interdisciplinary approach to the study~~
194 ~~of children.~~

195 ~~2.3.~~ The introductory course shall cover recognition and
196 prevention of shaken baby syndrome; prevention of sudden infant
197 death syndrome; recognition and care of infants and toddlers
198 with developmental disabilities, including autism spectrum
199 disorder and Down syndrome; and early childhood brain
200 development within the topic areas identified in this paragraph.

201 ~~3.4.~~ On an annual basis in order to further their child
202 care skills and, if appropriate, administrative skills, child
203 care personnel who have fulfilled the requirements for the child

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204 care training shall be required to take an additional 1
205 continuing education unit of approved inservice training, or 10
206 clock hours of equivalent training, as determined by the
207 department.

208 ~~4.5.~~ Child care personnel shall be required to complete 0.5
209 continuing education unit of approved training or 5 clock hours
210 of equivalent training, as determined by the department, in
211 early literacy and language development of children from birth
212 to 5 years of age one time. The year that this training is
213 completed, it shall fulfill the 0.5 continuing education unit or
214 5 clock hours of the annual training required in subparagraph 3.
215 ~~4.~~

216 ~~5.6.~~ Procedures for ensuring the training of qualified
217 child care professionals to provide training of child care
218 personnel, including onsite training, shall be included in the
219 minimum standards. It is recommended that the state community
220 child care coordination agencies (central agencies) be
221 contracted by the department to coordinate such training when
222 possible. Other district educational resources, such as
223 community colleges and career programs, can be designated in
224 such areas where central agencies may not exist or are
225 determined not to have the capability to meet the coordination
226 requirements set forth by the department.

227 ~~6.7.~~ Training requirements do ~~shall~~ not apply to certain
228 occasional or part-time support staff, including, but not
229 limited to, swimming instructors, piano teachers, dance
230 instructors, and gymnastics instructors.

231 ~~7.8.~~ The child care operator shall be required to take
232 basic training in serving children with disabilities within 5

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233 years after employment, either as a part of the introductory
234 training or the annual 8 hours of inservice training.

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

237 (7) SANITATION AND SAFETY.—

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

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

249 (9) ADMISSIONS AND RECORDKEEPING.—

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

254 ~~(b) During the months of August and September of each year,~~
255 ~~each child care facility shall provide parents of children~~
256 ~~enrolled in the facility detailed information regarding the~~
257 ~~causes, symptoms, and transmission of the influenza virus in an~~
258 ~~effort to educate those parents regarding the importance of~~
259 ~~immunizing their children against influenza as recommended by~~
260 ~~the Advisory Committee on Immunization Practices of the Centers~~
261 ~~for Disease Control and Prevention.~~

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

274 (b)~~(d)~~ Because of the nature and duration of drop-in child
275 care, requirements for preadmission and periodic health
276 examinations and requirements for medically signed records of
277 immunization required for child care facilities do ~~shall~~ not
278 apply. A parent of a child in drop-in child care shall, however,
279 be required to attest to the child's health condition and the
280 type and current status of the child's immunizations.

281 (c)~~(e)~~ Any child shall be exempt from medical or physical
282 examination or medical or surgical treatment upon written
283 request of the parent or guardian of such child who objects to
284 the examination and treatment. However, the laws, rules, and
285 regulations relating to contagious or communicable diseases and
286 sanitary matters shall not be violated because of any exemption
287 from or variation of the health and immunization minimum
288 standards.

289 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure
290 that each child care facility has and implements a written plan

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291 for the daily provision of varied activities and active and
292 quiet play opportunities appropriate to the age of the child.
293 ~~The written plan must include a program, to be implemented~~
294 ~~periodically for children of an appropriate age, which will~~
295 ~~assist the children in preventing and avoiding physical and~~
296 ~~mental abuse.~~

297 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~
298 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~
299 ~~department, in conjunction with the Department of Health, for~~
300 ~~specialized child care facilities for the care of mildly ill~~
301 ~~children. The minimum standards shall address the following~~
302 ~~areas: personnel requirements; staff to child ratios; staff~~
303 ~~training and credentials; health and safety; physical facility~~
304 ~~requirements, including square footage; client eligibility,~~
305 ~~including a definition of "mildly ill children"; sanitation and~~
306 ~~safety; admission and recordkeeping; dispensing of medication;~~
307 ~~and a schedule of activities.~~

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

310 402.306 Designation of licensing agency; dissemination by
311 the department and local licensing agency of information on
312 child care.—

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

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

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

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

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

325 402.3115 Elimination of duplicative and unnecessary
326 inspections; abbreviated inspections.-

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

332 (2) (a) ~~In addition,~~ The department and the local
333 governmental agencies shall develop and implement an abbreviated
334 inspection plan for child care facilities, family day care
335 homes, and large family child care homes that meet all of the
336 following conditions:

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

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

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

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

345 5. Do not have any current uncorrected violations.

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

348 (b) The abbreviated inspection must include those elements

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349 identified by the department and ~~the local governmental agencies~~
350 as being key indicators of whether the child care facility
351 continues to provide quality care and programming. The
352 department shall review and update these elements every 5 years.

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

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

358 402.316 Exemptions.—

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

374 (2) The provisions of ss. 402.301-402.319 do not apply to a
375 child care facility or family day care home if the child care
376 facility or family day care home has a certificate issued by the
377 United States Department of Defense or by the United States

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378 Coast Guard to provide child care and has completed background
379 screening by the United States Department of Defense pursuant to
380 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and received a
381 favorable suitability and fitness determination. If the child
382 care facility or family day care home elects to serve children
383 ineligible for care under the United States Department of
384 Defense Instruction 6060.02, the child care facility or family
385 day care home must be licensed under chapter 402.

386 ~~(3)(2) Any county or city with state or local child care~~
387 ~~licensing programs in existence on July 1, 1974, will continue~~
388 ~~to license the child care facility facilities as covered by such~~
389 ~~programs, notwithstanding the exemption under provisions of~~
390 ~~subsection (1) which desires to be licensed may submit an~~
391 ~~application to the department or local licensing agency pursuant~~
392 ~~to s. 402.308(4), until and unless the licensing agency makes a~~
393 ~~determination to exempt them.~~

394 ~~(4)(3) The department and the local licensing agency~~
395 ~~pursuant to s. 402.308(4) shall adopt rules to administer and~~
396 ~~implement this section, including, but not limited to, any~~
397 ~~assessments of previous licensure history Any child care~~
398 ~~facility covered by the exemption provisions of subsection (1),~~
399 ~~but desiring to be included in this act, is authorized to do so~~
400 ~~by submitting notification to the department. Once licensed,~~
401 ~~such facility cannot withdraw from the act and continue to~~
402 ~~operate.~~

403 Section 6. Subsection (1) of section 1002.59, Florida
404 Statutes, is amended to read:

405 1002.59 Emergent literacy and performance standards
406 training courses.-

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407 (1) The department, in collaboration with the Just Read,
408 Florida! Office, shall adopt minimum standards for courses in
409 emergent literacy for prekindergarten instructors. Each course
410 must consist of 5 clock hours and provide instruction in
411 strategies and techniques to address the age-appropriate
412 progress of prekindergarten students in developing emergent
413 literacy skills, including oral communication, knowledge of
414 print and letters, phonological and phonemic awareness,
415 vocabulary and comprehension development, and foundational
416 background knowledge designed to correlate with the content that
417 students will encounter in grades K-12, consistent with the
418 evidence-based content and strategies grounded in the science of
419 reading identified pursuant to s. 1001.215(7). The course
420 standards must be reviewed as part of any review of subject
421 coverage or endorsement requirements in the elementary, reading,
422 and exceptional student educational areas conducted pursuant to
423 s. 1012.586. Each course must also provide resources containing
424 strategies that allow students with disabilities and other
425 special needs to derive maximum benefit from the Voluntary
426 Prekindergarten Education Program. Successful completion of an
427 emergent literacy training course approved under this section
428 satisfies requirements for approved training in early literacy
429 and language development under ss. 402.305(2)(e)4., 402.313(6),
430 and 402.3131(5) ~~ss. 402.305(2)(e)5., 402.313(6), and~~
431 ~~402.3131(5).~~

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