

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1690

INTRODUCER: Senator Calatayud

SUBJECT: Early Childhood Education

DATE: February 2, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Fiore	Tuszynski	CF	Pre-meeting
2.		ED	
3.		AP	

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## **I. Summary:**

SB 1690 makes several statutory changes relating to early childhood education and child care regulation, and directs initiatives to enhance workforce support for working families.

In child care regulation, the bill:

- Exempts certain before-and after-school programs administered by public schools and nonpublic schools from licensure as a child care facility.
- Revises certain child care licensure standards and removes the requirement for child care homes to provide parents with information related to flu shots and leaving children in a vehicle unattended.
- Prohibits the cancellation, denial, or nonrenewal of residential property insurance solely on the basis that certain child care services are provided at the residence.

In early childhood education, the bill:

- Authorizes the Florida Education Foundation, Inc., to raise and manage funds and property, and to conduct programs for the benefit of early learning programs and certain child care providers.
- Expands the role of the TEACH Scholarship Program administer to ensure statewide alignment of training, trainer approval, and competency-based assessments for early learning professionals.

The bill also directs the Department of Education, the Florida Lottery, and CareerSource Florida, Inc., to jointly examine the creation of a child care and early learning voucher program for children from families employed in high-demand occupations.

The bill has no anticipated fiscal impact.

The bill has an effective date of July 1, 2026.

## II. Present Situation:

### Child Care Regulation

Florida regulates child care facilities, family day care homes, and large family child care homes under Chapter 402, F.S., which establishes licensure requirements, minimum standards, and enforcement authority for the Department of Children and Families (DCF). “Child care” is the care, protection and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.<sup>1</sup> If a program meets the statutory definition of child care, it is subject to regulation by the Department of Children and Families (DCF) or a local licensing agency, unless statute specifically excludes or exempts it from regulation.<sup>2</sup>

The child care licensing program is administered by the DCF and is accountable for the statewide licensure of Florida's child care facilities,<sup>3</sup> large family child care homes,<sup>4</sup> and the licensure or registration of family day care homes.<sup>5</sup> Licensing standards for child care facilities must address personnel qualifications, health and safety requirements, sanitation, emergency preparedness, and training, including cardiopulmonary resuscitation requirements.<sup>6</sup> Current law requires child care facilities to have at least one staff person trained in person in cardiopulmonary resuscitation present at all times that children are present.<sup>7</sup>

Family day care homes must be licensed if the home is currently licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed. If not subject to licensure, a family day care home must register with the DCF.<sup>8</sup>

### Child Care Personnel

“Child care personnel” includes owners, operators, employees, and certain household members or residents who have direct contact with children and are subject to background screening and training requirements.<sup>9</sup> For purposes of background screening, child care personnel also includes individuals who work in child care programs that provide care for children 15 hours or more each week in public or nonpublic schools, family day care homes, and certain exempt membership organizations and programs. However, child care personnel does not include public or nonpublic school personnel providing care during regular school hours, or after hours for

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<sup>1</sup> Section 402.302(1), F.S.

<sup>2</sup> Sections 402.301-402.319, F.S.

<sup>3</sup> Section 402.305, F.S.

<sup>4</sup> Section 402.3131, F.S.

<sup>5</sup> Section 402.313, F.S.

<sup>6</sup> Section 402.305, F.S.

<sup>7</sup> Section 402.305(7), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 402.302(3), F.S.

activities related to a school's program for grades kindergarten through 12.<sup>10</sup> Personnel screening is conducted pursuant to Level 2 background screening requirements under Chapter 435, F.S.,<sup>11</sup> and includes:

- FDLE criminal history background check;
- FBI criminal history background check;
- Criminal background check of any prior states resided within the past five years;
- Sex Offender Registry check (in Florida and any prior states resided within past five years);
- Child Abuse & Neglect check (in Florida and any prior states resided within past five years);
- Attestation of Good Moral Character; and
- Previous five-year employment history check.<sup>12</sup>

## **Child Care Providers**

### ***Child Care Facilities and School-Based Programs***

A "child care facility" is generally defined as any arrangement providing care for more than five unrelated children for compensation, subject to specified exemptions, including certain school-based programs and camps.<sup>13</sup> Public schools and nonpublic schools and their integral programs, are exempt from the definition of child care facility, except as provided in s. 402.3025, F.S.<sup>14</sup> An integral program is a program that is directly connected to the school's schedule and activities to provide care for children outside of regular instructional hours, such as a before or after-school program for school-aged children, and therefore, is not considered child care for purposes of licensure. The following public school and nonpublic school programs are exempt from child care licensure.<sup>15</sup>

#### **Public Schools:**

- Programs for children in five-year-old kindergarten and grades one or above;
- Programs for children who are at least three years of age, but are under five years of age, if the programs are operated and staffed directly by the school and meet the age-appropriate standards adopted by the State Board of Education; and
- Programs for children under three years of age who are eligible for participation in the programs that provide early intervention and special education services for children with developmental disabilities, if the programs are operated and staffed directly by the school and meet the age-appropriate standards adopted by the State Board of Education.

#### **Nonpublic Schools:**

- Programs for children in five-year-old kindergarten and grades one or above;
- Programs for children who are at least three years of age, but under five years of age, if the programs are operated and staffed directly by the school, the majority of the children enrolled

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<sup>10</sup> *Id.*

<sup>11</sup> Section 402.305(2), F.S.

<sup>12</sup> Sections 402.302(15), and 435.04, F.S.

<sup>13</sup> Section 402.302(2), F.S.

<sup>14</sup> Section 402.302(2)(a), F.S.

<sup>15</sup> Section 402.3025, F.S.

in the schools are five years of age or older, and the programs comply with the background screening requirements for child care personnel.<sup>16</sup>

Public school programs for children who are under age five that are not operated and staffed directly by the school and programs for children three years of age and under who are not eligible to participate in programs that provide early intervention and special education services are not exempt from licensure as a child care facility.<sup>17</sup> Nonpublic school programs for children who are under three years of age are deemed child care and are also not exempt from licensure as a child care facility.

A school-age child care program is a child care facility that serves only school-age children in a before- and after-school program or an out-of-school time program.<sup>18</sup> A school-age child is a child who is at least five years of age by September 1<sup>st</sup> of the beginning of the school year and who attends grades kindergarten or above.<sup>19</sup> A school-age child care program must be licensed as a child care provider unless the program demonstrates that it is exempt from licensure.<sup>20</sup> There are five types of school-age child care programs that are exempt from licensure. A school-age child care program is exempt if the program complies with the child care background screening requirements<sup>21</sup> and meets the following conditions:<sup>22</sup>

- **Programs on School Sites:** The program is located on a public or nonpublic school site; and
  - Is operated and staffed directly by that school or through a formal agreement, such as a contract, between the school (or school district, when the latter reserves authority for such agreements) and a provider which names the school/school district as the responsible party for the operation of the program;
  - Serves only the school-age children attending the school during the school day. The program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's academic calendar year; and
  - Follows the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities pursuant to s. 402.305(5), F.S., programs operated in public school facilities, regardless of the operator.
- **Instructional or Tutorial Programs:** The program is not designated as a Gold Seal Quality Care provider and has a single instructional or tutorial purpose (i.e., tutoring; a computer class; a ballet class; a karate class; baseball instruction or other sport, etc.,) and does not provide services beyond the instructional and tutorial purpose of the program activity; and
  - Does not cater, serve or prepare meals other than drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration;

<sup>16</sup> Section 402.3025(2)(c), F.S.

<sup>17</sup> Section 402.3025(1)(b), F.S.

<sup>18</sup> Florida Department of Children and Families, *School-Age Child Care Facility Handbook*, October 2021, available at <https://www.myflfamilies.com/sites/default/files/2025-07/School-Age%20Child%20Care%20Facility%20Handbook%20%28October%202021%29.pdf>, (last visited January 29, 2026).

<sup>19</sup> *Id.*

<sup>20</sup> Rule 65C-22.008, F.A.C.

<sup>21</sup> Sections 402.305 and 402.3055, F.S.; and 65C-22.008(4), F.A.C.

<sup>22</sup> Rule 65C-22.008(3), F.A.C.

- Does not advertise or otherwise represent that the program has attributes of child care;
- Enrollment information clearly defines duration of instructional sessions;
- Does not contract to deliver a school readiness program pursuant to s. 1002.88, F.S.; and
- Does not provide transportation directly or through a contract or agreement with an outside entity, during the hours of operation for the purposes of field trips.

- **Open Access Programs:** The program is not designated as a Gold Seal Quality Care provider and:
  - Operates and serves children for less than four hours per day. However, the program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's official academic calendar year;
  - Does not advertise or otherwise represent that the program is an afterschool child care program or that the program offers supervision;
  - Allows children to enter and leave the program at any time without permission, prior arrangements, or supervision, and the program does not assume responsibility for supervision;
  - Does not provide transportation, directly or through a contract or agreement with an outside entity, during the hours of operation for the purposes of field trips;
  - Does not serve or prepare any meals or snacks other than drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration; and
  - Does not contract to deliver a school readiness program.

- **Programs Operated or Affiliated with Certain Membership Organizations:** Any program that is not designated as a Gold Seal Quality Care provider and is providing care for school aged children that is operated by, or in affiliation with a national membership non-profit or not for profit organization that: certifies membership organizations, in at least ten states; was created for the purpose of providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state; charges a membership fee for children and/or receives grant funding for services; and is certified by the national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements for all of its before school, after school or out-of-school time programs.

- **Programs Providing Child Care Exclusively for Children in Grades Six and Above:** Programs that are not designated as a Gold Seal Quality Care provider and provide child care exclusively for children in grades six and above are exempt from child care licensure.

School-age child care providers that are exempt under the school sites, open access, and membership organizations program exemptions may choose to become licensed if the provider agrees to meet all of the school-age child care standards.<sup>23</sup>

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<sup>23</sup> 65C-22.008(5), F.A.C.; see also Florida Department of Children and Families, *School-Age Child Care Facility Handbook*, October 2021, available at <https://www.myflfamilies.com/sites/default/files/2025-07/School-Age%20Child%20Care%20Facility%20Handbook%20%28October%202021%29.pdf>, (last visited January 29, 2026).

### ***Family Day Care Homes and Large Family Child Care Homes***

A “family day care home” is an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receive payments, fees, or grants for the children receiving care, whether or not operated for profit.<sup>24</sup> Florida law establishes tiered capacity limits for family day care homes based on the number and ages of children in care.<sup>25</sup>

- Up to four children from birth to 12 months of age;
- Up to three children from birth to 12 months of age, plus additional children, for a maximum total of six children;
- Up to six preschool children, provided all children are older than 12 months of age; or
- Up to 10 children, provided that no more than five are preschool age and, of those five preschool children, no more than two are under 12 months of age.

These limits apply to the total number of children present, including the operator’s own children under 13 years of age who are on the premises during operating hours.<sup>26</sup> Unlike large family child care homes, family day care homes do not require two full-time child care personnel to always be present.

A “large family child care home” is a residential child care setting that serves more children than a standard family day care home and is subject to enhanced licensure requirements.<sup>27</sup> To qualify as a large family child care home, the residence must have at least two full-time child care personnel present during operating hours, one of whom must be the owner or occupant of the residence.<sup>28</sup> The operator must first have operated as a *licensed* family day care home for two years, with an operator who holds a child development associate credential or its equivalent for 1 year.<sup>29</sup> Including the operator’s own children under 13 years of age who are on the premises during operating hours, large family child care homes may care for up to eight children from birth to 24 months of age or up to 12 children total, provided no more than four children are under 24 months of age.<sup>30</sup>

Current law requires family day care homes and large family child care homes to provide parents with educational materials regarding influenza immunization and the risks associated with leaving children unattended in vehicles.<sup>31</sup>

### **Insurance Coverage for Child Care Operations**

While the Legislature has recognized the importance of family child care homes in meeting child care needs, it has also acknowledged that child care operations increase liability exposure for insurers.<sup>32</sup> As a result, Florida law provides that coverage for liability arising from child care operations are generally excluded from residential property insurance policies unless such

<sup>24</sup> Sections 402.302(8) and 402.313, F.S.

<sup>25</sup> Sections 402.302(8), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Sections 402.302(11) and 402.3131, F.S.

<sup>28</sup> Section 402.302(11), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Section 402.3131(9)-(10), F.S.

<sup>32</sup> Section 627.70161(1), F.S.

coverage is specifically included by endorsement.<sup>33</sup> Insurers are prohibited from denying, canceling, or refusing to renew a policy solely because a policyholder operates a family child day care home, subject to statutory exceptions.<sup>34</sup> Under current law, the insurance protections for family day care homes do not extend to large family day care homes.

## **Early Learning Programs and Workforce Support**

### ***Direct-Support Organizations***

A direct-support organization (DSO) is a non-profit corporation that supports a public entity, such as a university, school district, or state agency, by raising and managing funds, managing property, and conducting programs consistent with the public entity's mission. The Florida Education Foundation is a DSO of the Department of Education organized exclusively to receive, hold, invest, and administer property and make expenditures to or for the benefit of public pre-kindergarten through grade 12 education in Florida.<sup>35</sup>

### ***Early Learning Programs***

Florida also operates early learning and child care assistance programs, such as the School Readiness Program<sup>36</sup> and the Voluntary Prekindergarten (VPK) Education Program.<sup>37</sup> Florida's VPK Program is a free, state-funded educational program designed to prepare four-year-olds for kindergarten and beyond. Each child who resides in Florida who will have attained the age of four years old on or before September 1 of the school year is eligible for the VPK Program during either that school year or the following school year.<sup>38</sup> Parents can choose to enroll their child in VPK Programs provided by private child care centers or public schools and school-year or summer programs.<sup>39</sup> Florida's School Readiness Program provides subsidies for child care services and early childhood education for children from low-income families; children in protective services who are at risk of abuse, neglect, abandonment, or homelessness; foster children; and children with disabilities.<sup>40</sup>

### ***Teacher Education and Compensation Helps Scholarship Program***

The Teacher Education and Compensation Helps (TEACH) Scholarship Program provides educational scholarships to early learning personnel to improve workforce qualifications and retention.<sup>41</sup> The scholarship is available to Florida-resident teachers, directors, and family child

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<sup>33</sup> Section 627.70161(3), F.S.

<sup>34</sup> Section 627.70161(4), F.S.

<sup>35</sup> Section 1001.24(1)(a)2., F.S.; and Florida Education Foundation, Inc., *Financial Statements June 30, 2024 and 2023*, at pg. 10, [https://flauditor.gov/pages/nonprofit\\_forprofit%20rpts/2024%20florida%20education%20foundation.pdf](https://flauditor.gov/pages/nonprofit_forprofit%20rpts/2024%20florida%20education%20foundation.pdf) (last visited January 29, 2026).

<sup>36</sup> Sections 1002.81-1002.995, F.S.

<sup>37</sup> Sections 1002.51-1002.79, F.S.

<sup>38</sup> Section 1002.53(2), F.S.; *see also* Florida Department of Education, *What is Florida's Voluntary Prekindergarten Education Program (VPK)?*, available at <https://www.fl DOE.org/schools/early-learning/parents/vpk-parents.shtml> (last visited January 29, 2026).

<sup>39</sup> *Id.*

<sup>40</sup> Sections 1002.81 and 1002.87, F.S.

<sup>41</sup> Section 1002.95, F.S.

care educators who meet specified education, employment, work-hour, and employer sponsorship requirements in licensed or exempt early learning or after-school settings.<sup>42</sup>

The program covers tuition and books, provides stipends and completion bonuses, offers counseling and administrative support, and reimburses employers for paid release time provided to participating scholars.<sup>43</sup>

### ***Early Learning Professional Learning Standards and Career Pathways***

In 2019, the Legislature directed the Department of Education to develop statewide early learning training standards and identify career pathways with stackable, competency-based credentials for school readiness and early learning professionals.<sup>44</sup> These credentials should align with established professional standards, improve instructional practice, and support better child outcomes, including kindergarten readiness. The Department of Education is also authorized to provide incentives to qualified early learning and prekindergarten personnel who hold specified reading or literacy credentials, with alignment to K–12 training standards adopted by the State Board of Education.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 402.302, F.S., to revise the definitions of “child care facility” and “child care personnel” and create a new definition for “school-age children.”

The revised definition of “child care facility,” excludes before- and after-school programs and any programs during off-school hours that are offered and operated by public elementary schools at school sites for the school’s student populations.

The revised definition of “child care personnel,” expands the exclusion of public and nonpublic school personnel to incorporate those who provide care, during regular school hours or after hours, for students attending *any* public or nonpublic school program, not just grades K–12. This means that school personnel operating the school’s regular- or after-hours child care programs will not be subject to the screening requirements of Chapter 402, F.S.

The new definition of “school-age children” includes children in kindergarten through grade 12, certain three-year-olds enrolled in public school exceptional student education programs, and four-year-olds in public school child care programs. This definition encompasses a younger age group than what is currently allowed to cover those children who may be attending public schools.

**Section 2** amends s. 402.305, F.S., to limit the minimum standards established for child care facilities to require only *one* staff person, trained in person, in cardiopulmonary resuscitation

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<sup>42</sup> Florida Head Start Organization, *T.E.A.C.H. Early Childhood Scholarship Program, Scholarship Models*, available at <https://www.flheadstart.org/assets/docs/TEACH/TEACH%20model%20brochure%20-final%2011-27.pdf>, (last visited January 29, 2026).

<sup>43</sup> *Id.*

<sup>44</sup> Section 1002.995, F.S.

present at all times that children are present. Current law requires *at least one* staff person. A child care facility may have more trained staff as it deems necessary and appropriate.

**Section 3** amends s. 402.3131, F.S., to delete statutory provisions requiring large family child care homes to provide parents with informational materials every August and September regarding influenza immunization and every April and September regarding the risks of leaving children unattended in vehicles.

**Section 4** amends s. 627.70161, F.S., to define “large family child care home” to mean an occupied residence in which child care is regularly provided for children from at least two unrelated families for payment and has at least two full-time child care personnel, one of which must be the owner or occupant of the residence. The definition requires that a large family child care home to have first operated as a licensed family child care home for at least 2 years, by a credentialed operator holding that credential for at least 1 year. The definition requires any children under 13 years of age on the premises or on a field trip with children enrolled in child care to be included in the overall capacity of the licensed home and limits the number of children under 13 years of age a large family child care home may provide care to:

- 8 children from birth to 24 months of age.
- 12 children maximum, with no more than 4 children under 24 months of age.

The bill adds large family child care homes to the current statutory prohibition on residential property insurance policies from providing liability coverage for claims arising from the operation of these child care homes unless such coverage is specifically covered in a policy or expressly included by rider or endorsement for business coverage attached to a policy. The section also adds large family child care homes to the section of law that provides that insurers are not obligated to defend such claims absent coverage and prohibits insurers from denying, canceling, or refusing to renew residential property insurance policies solely because the insured operates a family or large family child care home, subject to enumerated exceptions.

The section amends “family *day care* home” to “family *child care* home” throughout s. 627.70161, F.S. However, the operating term for these types of child care facilities throughout Florida Statutes is “family day care home” as defined in s. 402.302, F.S.

**Section 5** amends s. 1001.24, F.S., to add VPK and school readiness early learning programs under parts V and VI of Chapter 1002, F.S. to the definition of the Department of Education direct-support organization. This will authorize the DSO to receive, hold, invest, and administer property and to make expenditures to or for the benefit of these programs in addition to the already authorized programs.

**Section 6** amends s. 1002.95, F.S., to provide that, subject to an appropriation, the administrator of the TEACH Scholarship Program shall administer the Center for Early Childhood Professional Recognition to ensure statewide alignment of training, trainer approval, and competency-based assessments. There is currently no such professional recognition entity for early childhood professionals designated or recognized in statute.

**Section 7** amends s. 39.101, F.S., to make a conforming cross-reference change relating to the use of information received by the central abuse hotline.

**Section 8** requires the Department of Education, the Florida Lottery, and CareerSource Florida, Inc., to jointly examine the creation of a child care and early learning voucher program for children from families employed in high-demand occupations. The program must provide vouchers for child care for children ages 0-4 whose parents or grandparents are employed in occupations listed on the Demand Occupations List published by the Department of Commerce.<sup>45</sup>

A report with findings and legislative recommendations must be submitted to the Governor and Legislature by January 1, 2027. The report must provide an inventory of existing programs that provide child care for children who are from working families; evaluate whether the voucher should be provided in addition to existing programs or when a child is no longer eligible for existing programs; provide recommendations as to eligibility criteria and duration, administrative procedures, sources of funding based on program cost, and any other recommendations that support working families.

**Section 9** provides an effective date of July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

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<sup>45</sup> Florida Commerce, *Local Targeted Occupations List*, <https://www.floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/local-targeted-occupations-list>.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

**Section 4** of the bill amends “family day care home” to “family child care home” throughout s. 627.70161, F.S., making it inconsistent with the operating term for this type of child care facility as defined in s. 402.302, F.S., and used throughout Florida Statutes.

**Section 6** of the bill provides that the administrator of the TEACH Scholarship Program under s. 1002.95, F.S., shall administer the *Center for Early Childhood Professional Recognition* to ensure statewide alignment of training, trainer approval, and competency-based assessments; however, no such entity is currently established in statute.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 402.302, 402.305, 402.3131, 627.70161, 1001.24, 1002.95, 39.101

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.