

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/CS/CS/CS/HB 765](#)

**TITLE:** Child Care and Early Learning Services

**SPONSOR(S):** McFarland and Basabe

**COMPANION BILL:** [CS/CS/SB 1690](#) (Calatayud)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Human Services](#)

15 Y, 0 N, As CS



[Student Academic](#)

[Success](#)

13 Y, 1 N, As CS



[Budget](#)

28 Y, 0 N, As CS



[Health & Human Services](#)

21 Y, 0 N, As CS

## SUMMARY

### **Effect of the Bill:**

The bill restates child care facility licensure exemptions for certain before-and after-school programs administered by public schools and nonpublic schools. The bill 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. The bill prohibits the cancelation, denial, or nonrenewal of residential property insurance solely on the basis that certain child care services are provided at the residence.

The bill authorizes the existing direct-support organization within the Department of Education to raise and manage funds and property, and to conduct programs for the benefit of early learning programs and certain child care providers. The bill revises the review and approval process for certain curriculum used by VPK providers. The bill also establishes the Florida Child Care Fund to support early learning and child care needs of Florida families. The bill requires the Division of Early Learning to annually report on the performance of the program and the program's fundraising activities by January 1 of each year, beginning January 1, 2027.

### **Fiscal or Economic Impact:**

The bill will have an indeterminate, negative fiscal impact on state government.

**JUMP TO**

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### **EFFECT OF THE BILL:**

#### **Child Care**

The bill modifies existing child care licensure standards.

#### **Family Child Care Homes**

The bill renames [family day care homes](#) "family child care homes" to emphasize the homes' core function of providing child care, making this change throughout the chapter. In the child care industry "family child care" is generally considered the more professional term, as it more accurately describes what early childhood educators do and emphasizes the focus on the child's care and development.<sup>1</sup> (Section [3](#))

<sup>1</sup> Rasmussen University, *Child care vs. Day Care: What's the Difference? (And Why it Matters)*, available at <https://www.rasmussen.edu/degrees/education/blog/childcare-vs-daycare/>. (last visited Feb. 13, 2026).

**STORAGE NAME:** h0765g.HHS

**DATE:** 2/25/2026

## Child Care Licensure Exemptions

The bill restates current child care facility licensure exemptions in [s. 402.3025, F.S.](#), regarding programs that are administered by public schools and nonpublic schools to make it clear that these programs are exempt from licensure. This includes before- and after-school programs, and any other programs during off-school hours, that are offered and operated by public and nonpublic elementary schools for all students, including school-age children, attending the school. Under the bill, school-age children include children:

- In kindergarten through grade 12;
- Three-year olds in a public or nonpublic school exceptional student education program; or
- Four-year olds in a public or nonpublic school child care program. (Section [1](#))

## Child Care Personnel

The bill excludes public and nonpublic school personnel providing care during regular school hours, or after hours, for activities related to a school's program for students attending public or nonpublic school programs, from the current child care personnel background screening requirements. This eliminates duplicative requirements: instructional and noninstructional personnel employed by public and nonpublic schools are statutorily required to undergo background screening by school districts.<sup>2</sup> (Section [1](#))

## Child Care Licensure Standards

### *Cardiopulmonary Resuscitation*

The bill requires child care facilities to have one staff person trained in cardiopulmonary resuscitation present at all times that children are present. This modifies the minimum licensure standard in current law which requires the Department of Children and Families (DCF) to, at a minimum, require child care facilities to have "at least" one staff person present.<sup>3</sup> Under the bill, minimum standards established for child care facilities may not require child care facilities to have more than one staff person trained in cardiopulmonary resuscitation present at all times that children are present. (Section [2](#))

### *Admissions and Recordkeeping*

The bill removes the requirement for family child care homes and [large family child care homes](#) to provide parents with information related to flu shots in the months of August and September and information related to leaving children in a vehicle during the months of April and September.<sup>4</sup> (Sections [3](#) and [4](#))

## **Insurance and Child Care Homes**

The bill extends certain insurance coverage protections for residential property currently applicable to family child care homes to large family child care homes.<sup>5</sup> Specifically, the bill prohibits the cancelation, denial, or nonrenewal of residential property insurance solely on the basis that large family child care services are provided at the residence. The bill excludes contractual liabilities that arise in connection with a large family child care home from residential property insurance policies unless specifically included in coverage. This provision applies to an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives payments, fees, or grants for the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation, one of whom must be the owner or occupant of the home. (Section [5](#))

<sup>2</sup> Ss. [1012.32](#), and [1012.465, F.S.](#)

<sup>3</sup> [S. 402.305\(7\), F.S.](#)

<sup>4</sup> Ss. [402.313](#), and [402.3131, F.S.](#)

<sup>5</sup> [S. 627.70161, F.S.](#)

## Direct-Support Organizations

The bill authorizes the existing direct-support-organization (DSO) under the Department of Education (DOE) to organize and operate exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the [voluntary prekindergarten](#) and [school readiness early learning programs](#), child care facilities, licensed and registered family child care homes, and large family child care homes. (Section [6](#))

The bill also establishes the Florida Child Care Fund to support early learning and child care needs of Florida families. The DOE DSO will administer the fund and any bequests, gifts, grants, and donations made to the fund from public or private sources and any legislative appropriations from the Child Care and Development Block Grant Trust Fund that may be made to the fund will be deposited in the Early Learning Fund.

Funds must be used to provide care for children from birth until the student is eligible to enroll in kindergarten in accordance with an allocation methodology to fund the waiting list of early learning coalitions (ELCs) or the intentions of a donor. If a family on the waiting list receives funding from the fund, the ELC must apply a parent copayment in compliance with [s. 1002.84\(9\), F.S.](#),<sup>6</sup> or [s. 1002.395\(2\)\(b\), F.S.](#)<sup>7</sup> The ELC must fund school readiness program providers and providers selected by a donor at the calculated reimbursement rate.<sup>8</sup> If the selected provider is not a school readiness program provider, the ELC may contract with the provider to provide the funds.

By January 1 of each year, beginning January 1, 2027, the DEL is required to summarize the performance of the fund and the fund's fundraising activities for the previous fiscal year and identify the child care needs supported by the fund principal or earnings and those supported by private sources, bequests, gifts, grants, and donations. The report must also include outcome data, including the number of children served and any child outcomes, by each ELC, as well as the amount of funds spent on administrative expenses and fundraising and the amount of funds raised from private sources. The bill also requires the report to be published on DOE's website. (Section [8](#))

## Voluntary Prekindergarten Curriculum Approval Process

The bill revises terminology regarding the performance standards for VPK programs. The bill changes the term "[change-in-ability score](#)" to "[performance metric score](#) or [designation](#)" to align with the terminology used in [s. 1002.68, F.S.](#), which establishes the performance metrics for VPK providers. The bill also revises the review and approval process for [VPK curriculum](#). The bill requires the review and approval process to include curricula available for purchase and proprietary curricula not available for purchase, and authorizes DOE to review and approve such curricula outside of the established review and approval process. To be approved, the curriculum must be used by a private VPK provider or a public school district that operates a VPK program in more than five distinct locations and meet the curriculum requirements under [s. 1002.67\(2\)\(b\), F.S.](#) Approved curriculum, that is available for purchase, must also be added to DOE's list of approved VPK curricula. The bill requires DOE to review and either approve or deny submitted curriculum within 60 days of receipt and prohibits the submission of VPK curricula for approval within 120 days prior to the opening of the regular review process. (Section [7](#))

## The Center for Early Childhood Professional Recognition

Subject to appropriation, the bill requires the program administrator contracted to administer the [Teacher Education and Compensation Helps Scholarship Program](#) to also establish and administer the Center for Early Childhood Professional Recognition. (Section [9](#))

<sup>6</sup> [S. 1002.84\(9\), F.S.](#), requires each ELC to implement, by rule, a parent sliding fee scale, that increases in relation to family income, and provides for the calculation of a parent copayment at the time of the eligibility determination and annual eligibility redetermination thereafter. An ELC may waive or temporarily waive the copayment under certain conditions.

<sup>7</sup> [S. 1002.395\(2\)\(b\), F.S.](#), refers to tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. A choice navigator is an individual who provides consultations on the selection of, application for, and enrollment in educational options addressing the academic needs of a student; curriculum selection; and advice on career and postsecondary education opportunities.

<sup>8</sup> [S. 1002.84\(17\), F.S.](#)

The bill makes conforming changes and updates cross-references. (Sections [10](#) through [34](#))

The bill is effective July 1, 2026. (Section 35)

### **FISCAL OR ECONOMIC IMPACT:**

#### STATE GOVERNMENT:

The bill will have an indeterminate, insignificant negative fiscal impact on DCF, to implement the modifications to the child care licensure standards in the bill, which can be absorbed within existing resources. The bill authorizes the existing DSO within the DOE to administer any bequests, gifts, grants and donations made to the Florida Child Care Fund from public or private sources and any legislative appropriations. The administration of this program can be absorbed within existing DSO resources. Subject to appropriation, the bill requires the program administrator contracted to administer the Teacher Education and Compensation Helps Scholarship Program to also establish and administer the Center for Early Childhood Professional Recognition. The House proposed Fiscal Year 2026-2027 General Appropriations Act does not appropriate funding for this purpose.

#### LOCAL GOVERNMENT:

The bill will have an indeterminate, positive fiscal impact on local government due to an increase in funding to local agencies for early learning programs.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Child Care Licensure Program**

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>9</sup> If a program meets the statutory definition of child care, it is subject to regulation by DCF or a local licensing agency, unless the statute specifically excludes or exempts it from regulation.<sup>10</sup>

The child care licensing program is a component of the services provided by DCF. The purpose of the program is to ensure a healthy and safe environment for children in child care settings and to improve the quality of their care. The program is accountable for the statewide licensure of Florida's child-care facilities,<sup>11</sup> large family child care homes,<sup>12</sup> and the licensure or registration of family day care homes.<sup>13</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 DCF.<sup>14</sup>

Under Florida law, any county whose child care licensing standards meet or exceed the minimum state standards may designate by ordinance a local licensing agency in their county to license child care facilities.<sup>15</sup> A county choosing not to administer its own licensing program or whose minimum standards do not exceed the state minimum standards, would require DCF to administer child care licensing in that county.

<sup>9</sup> [S. 402.302\(1\), F.S.](#)

<sup>10</sup> [Ss. 402.301](#) through [402.319, F.S.](#), regulate child care facilities in Florida.

<sup>11</sup> [S. 402.305, F.S.](#)

<sup>12</sup> [S. 402.3131, F.S.](#)

<sup>13</sup> [S. 402.313, F.S.](#)

<sup>14</sup> *Id.*

<sup>15</sup> [S. 402.306, F.S.](#)

Currently, DCF is responsible for the licensure and inspection of child care facilities and homes in 63 of the 67 counties within the state. Four counties have elected to designate a local licensing agency to regulate licensing of child care facilities and homes in their areas; these counties include Broward, Palm Beach, Pinellas, and Sarasota.<sup>16</sup>

### Child Care Providers

DCF and the local licensing agencies regulate three types of child care providers; family day care homes, large family child care homes, and child care facilities.

[Family day care homes](#) are occupied residences 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>17</sup>

[Large family child care homes](#) are occupied residences in which child care is regularly provided for children from at least two unrelated families, which receive payments, fees, or grants for the children receiving care, whether or not operated for profit, and which have at least two full-time child care personnel, one of whom must be the owner or occupant of the home, on the premises during the hours of operation.<sup>18</sup>

### *Child Care Facilities*

Child care facilities are child care centers or child care arrangements that care for more than five children unrelated to the operator and receive a payment, fee, or grant for the children receiving care, wherever the facility is operated and whether it is operated for profit or not for profit.<sup>19</sup> A child care facility does not include:

- Public schools and nonpublic schools and their integral programs, except as provided in [s. 402.3025, F.S.](#);
- Summer day camps;
- Bible schools normally conducted during vacation periods; and
- Certain operators of transient establishments, that provide child care solely for the guests of their establishment or resort, provided the child care personnel background screening requirements are met.<sup>20</sup>

An integral program is a program that is essential to a school's operation. It is directly connected to the school's schedule and activities to provide care for children who attend the school 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.

Pursuant to [s. 402.3025, F.S.](#), public school and nonpublic school programs are not deemed as child care, and therefore, are exempt from child care licensure.<sup>21</sup> Exempt public school programs include:

- Programs for children in five-year-old kindergarten and grades one or above;
- Programs for children who are at least age three, but under age five, if operated and staffed directly by the school and meet the age-appropriate standards adopted by the State Board of Education (SBE); 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,<sup>22</sup> if

<sup>16</sup> DCF, *About Child Care Licensure*, available at <https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure>, (last visited Feb. 13, 2026).

<sup>17</sup> [S. 402.302\(8\), F.S.](#)

<sup>18</sup> [S. 402.302\(11\), F.S.](#)

<sup>19</sup> [S. 402.302\(2\), F.S.](#)

<sup>20</sup> *Id.*

<sup>21</sup> [S. 402.3025, F.S.](#)

<sup>22</sup> [S. 402.3025\(1\)\(a\)3., F.S.](#), states that the children must be eligible for participation in programs under the existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457, which is the Education for all Handicapped Children Act of 1975 and the Education of the Handicapped Act Amendments of 1986, respectively. Pub. L. No. 94-142 is now known as the

the programs are operated and staffed directly by the school and meet the age-appropriate standards adopted by the SBE.

Exempt nonpublic school programs include:

- Programs for children in five-year-old kindergarten and grades one or above;
- Programs for children who are at least age three, but under age five, if operated and staffed directly by the school, the majority of the children enrolled in the schools are five years of age or older, and the programs comply with the background screening requirements for child care personnel.<sup>23</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>24</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.

### [Child Care Licensure Standards](#)

DCF is responsible for establishing the licensing standards that each licensed child care facility must meet. These standards must address the health and nutrition, safety, developmental needs, and sanitary physical conditions for all children served by child care facilities.<sup>25</sup> DCF is required to adopt these standards into rule. When adopting rules for child care facilities standards, DCF must:<sup>26</sup>

- Adopt rules that recognize that different age groups of children may require different standards;
- Adopt different minimum standards for facilities that serve children in different age groups, including school-age children;
- Adopt by rule a definition for child care that distinguishes between child care programs that require licensure and after-school-programs that do not require licensure.<sup>27</sup> These standards must be developed to provide for reasonable, affordable, and safe before-school and after-school care and allow for a credentialed director to supervise multiple before and after school program sites.

### [Child Care Personnel](#)

Child care personnel includes all owners, operators, employees, and volunteers working in a child care facility.<sup>28</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 activities related to a school's program for grades kindergarten through 12.<sup>29</sup>

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Individuals with Disabilities Education Act, which requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. See, Americans with Disabilities, U.S. Department of Justice Civil Rights Division, *Guide to Disability Rights Laws (Feb. 2020)*, available at <https://www.ada.gov/resources/disability-rights-guide/>, (last visited Feb. 13, 2026).

<sup>23</sup> Nonpublic schools may designate certain programs as child care, which will be subject to licensure. [S. 402.3025\(2\)\(c\), F.S.](#)

<sup>24</sup> [S. 402.3025\(1\)\(b\), F.S.](#)

<sup>25</sup> [S. 402.305\(1\), F.S.](#)

<sup>26</sup> [S. 402.305\(1\)\(c\), F.S.](#)

<sup>27</sup> [S. 402.305\(1\)\(c\)4., F.S.](#)

<sup>28</sup> [S. 402.302\(3\), F.S.](#)

<sup>29</sup> [S. 402.302\(3\), F.S.](#)

DCF establishes minimum licensing standards for child care personnel, including training and background screening of personnel.<sup>30</sup> Background screening must be conducted for all child care personnel using level 2 standards of screening. Elements of the background screening include:<sup>31</sup>

- 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 & any prior states resided within past five years);
- Child Abuse & Neglect check (in Florida & any prior states resided within past five years);
- Attestation of Good Moral Character; and
- Previous five-year employment history check.

### *Cardiopulmonary Resuscitation*

DCF establishes minimum standards for sanitary and safety conditions in child care facilities, including first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation.<sup>32</sup> Current law requires child care facilities to have at least one staff person trained in cardiopulmonary resuscitation present at all times that children are present.<sup>33</sup>

### *Admissions and Recordkeeping*

#### Family Child Care Homes

DCF establishes minimum standards for child care facilities, large family child care homes, and family child care homes. Current law imposes requirements related to informing parents of certain risks to their children. During the months of August and September, large family child care homes and family child care homes must provide parents of children enrolled in the homes detailed information regarding the causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children. Similarly, in April and September of each year, these homes must also notify parents of the potential for a distracted adult to fail to drop off a child at the child care home and instead leave the child in the adult's vehicle upon arrival at the adult's destination.<sup>34</sup>

### **School-Age Child Care Programs**

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>35</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>36</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>37</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>38</sup> and meets the following conditions.<sup>39</sup>

<sup>30</sup> [S. 402.302\(3\), F.S.](#)

<sup>31</sup> [Ss. 402.302\(15\), F.S.](#), and [435.04, F.S.](#)

<sup>32</sup> [S. 402.305\(7\), F.S.](#)

<sup>33</sup> [S. 402.305\(7\), F.S.](#)

<sup>34</sup> [Ss. 402.3131\(9\) and \(10\)](#), and [402.313\(14\) and \(15\), F.S.](#)

<sup>35</sup> DCF, *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 Feb. 13, 2026).

<sup>36</sup> *Id.*

<sup>37</sup> Rule 65C-22.008, F.A.C.

<sup>38</sup> [Ss. 402.305](#), and [402.3055, F.S.](#) Exempt school-age child care providers must attest, prior to operating and upon request of DCF, that the provider is complying with the background screening requirements and that the program continues to operate as presented. Rule 65C-22.008(4), F.A.C.

<sup>39</sup> Rule 65C-22.008(3), F.A.C.

1. **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;<sup>40</sup>
  - 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 Section [402.305\(5\), F.S.](#), programs operated in public school facilities, regardless of the operator.
2. **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;
  - Does not advertise or otherwise represent that the program has attributes of child care;
  - Enrollment information clearly defines duration of instructional sessions;<sup>41</sup>
  - 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.
3. **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.
4. **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.

<sup>40</sup> A lease for space or user agreement, with or without the endorsement of the program by the school/school district, does not meet the formal agreement requirement.

<sup>41</sup> Session time may not exceed two hours. If tutoring is provided in multiple academic areas, the total combined session times cannot exceed three hours per day.

5. **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>42</sup>

Although current law ([s. 402.3025\(1\)\(a\) and \(2\), F.S.](#)) exempts before -and after- school programs for children from licensure as a child care facility (if for children ages three to five and are operated by schools), DCF does not exempt these programs from licensure in practice. Pursuant to DCF Rule 65C-22.008(3)(a), F.A.C., programs serving children who are under age five are not eligible for exemption and must be licensed.<sup>43</sup> Under the rule, to be exempt a school-age-child care program must serve only “school-age children,” which DCF defines to be five-year olds in grades K-12, and only those children attending the school during the school day.<sup>44</sup> It appears that DCF’s rule does not include the exemption for before -and after- school programs that are offered and operated by public and nonpublic schools for children ages three to five in current law.

### Insurance and Child Care Homes

Homeowners' insurance is a type of property insurance which covers damage or loss by theft and perils which can include fire, and storm damage. It also may insure the owner for accidental injury or death for which the owner may be legally responsible. Mortgage lenders usually require homeowners' insurance as part of the mortgage terms.<sup>45</sup> While homeowners' insurance can specifically refer to the insurance of a house, it also encompasses the insurance of other types of structures associated with personal residences, including tenants (renters) and condominium unit owners.<sup>46</sup> The potential liability of residential property insurers is substantially increased by the operation of child care services on the premises.

Florida law prohibits insurers from cancelling, denying or failing to renew, residential property insurance coverage solely on the basis that family day care services are being provided at the residence. Contractual liabilities that arise in connection with the operation of the family day care home are excluded from residential property insurance policies unless they are specifically included in such coverage.<sup>47</sup>

A large family day care home is an occupied residence in which child care is regularly provided for children from at least two unrelated families where there is payment for the care provided and which has at least two full-time child care personnel on the premise during hours of operation.<sup>48</sup> The residential property insurance coverage provisions in current law for family day care homes do not extend to large family day care homes.<sup>49</sup>

### Direct-Support Organizations

<sup>42</sup> School age child care programs must follow the standards found in the School-Age Child Care Facility Handbook, October 2021. Rule 65C-22.008(5), F.A.C. Also see, DCF, *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 Feb. 13, 2026).

<sup>43</sup> DCF, *Letter to Woodville Extended Day Enrichment Program*, dated January 8, 2026, on file with the House Health and Human Services Committee. The DCF letter acknowledged that the Woodville Extended Day Enrichment Program’s before school program, which is operated and staffed by the school, meets the age-appropriate standards adopted by the State Board of Education, and is not deemed child care pursuant to [s. 402.3025\(1\)\(a\) and \(2\), F.S.](#), F.S., but goes on to state that the program is not eligible for exemption because the program serves children who are under age five. [S. 402.3025, F.S.](#), expressly exempts programs for children ages three to five operated and staffed directly by the public and nonpublic schools from licensure.

<sup>44</sup> *Id.*

<sup>45</sup> Florida Office of Insurance Regulation, *Homeowners’ Insurance*, available at <https://flor.com/Sections/PandC/Homeowners/default.aspx> (last visited Feb. 13, 2026).

<sup>46</sup> *Id.*

<sup>47</sup> [S. 627.70161, F.S.](#)

<sup>48</sup> [S. 402.302\(11\), F.S.](#)

<sup>49</sup> [S. 627.70161, F.S.](#)

Direct-support organizations (DSO) are statutorily created private entities that are generally required to be nonprofit organizations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO are prescribed by its enacting statute, and, for the most part, by a contract with the agency the DSO was created to support.

### Department of Education Direct-Support Organization

Current law authorizes the Department of Education (DOE) to establish a DSO for the benefit of public prekindergarten through 12th grade education in Florida. The DSO must:<sup>50</sup>

- Be a not for profit corporation that is incorporated under the provisions of [chapter 617](#) and approved by the Department of State;
- Be organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public prekindergarten through 12th grade education in Florida; and
- Be certified by the State Board of Education, after review, to operate in a manner that is consistent with the goals and best interest of the DOE.

The State Board of Education may:<sup>51</sup>

- Permit the use of property, facilities, and personal services<sup>52</sup> of DOE by the DSO;
- Prescribe, by rule, conditions with which the DSO must comply with in order to use property, facilities, or personal services of DOE. Such rules must provide for budget and audit review and for oversight by DOE; and
- Prohibit the use of property, facilities, or personal services of the DSO if the organization does not provide equal employment opportunities to all persons, regardless of race, color, national origin, gender, age, or religion.

DOE established the Florida Education Foundation (Foundation) DSO. The Foundation is governed by a Board of Directors appointed by the Commissioner of Education and must include representation from business, industry, and other components of Florida's economy.<sup>53</sup> The Foundation is subject to an annual financial audit of its accounts and records.<sup>54</sup> The identity of donors who desire to remain anonymous must be protected and maintained in the auditor's report. All records of the Foundation other than the auditor's report, management letter, and any supplemental data requested by the Auditor General and the Office of Program Policy Analysis and Government Accountability are confidential and exempt from public records.<sup>55</sup>

### *Early Learning Fund*

The Foundation maintains an Early Learning Fund that was established through the Foundation and approved by the Foundation's Board of Directors. The Fund is authorized to provide funds to early learning programs.<sup>56</sup>

### **Early Learning Programs**

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<sup>50</sup> [S. 1001.24\(1\), F.S.](#)

<sup>51</sup> *Id.*

<sup>52</sup> Personal services include full-time or part-time personnel and payroll processing. [S. 1001.24\(1\)\(b\), F.S.](#)

<sup>53</sup> [S. 1001.24\(3\), F.S.](#)

<sup>54</sup> [S. 1001.24\(4\), F.S.](#)

<sup>55</sup> *Id.*

<sup>56</sup> Department of Education, *2026 Legislative Bill Analysis on HB 765*, on file with the Human Services Subcommittee; email correspondence with the Department of Education, January 23, 2026, on file with the Human Services Subcommittee.

The Division of Early Learning (DEL) in the DOE administers early learning programs and services for children and families in Florida, in partnership with various early learning coalitions (ELCs).<sup>57</sup> The DEL delivers three programs, the Voluntary Prekindergarten (VPK) Program, the School Readiness Program, and Child Care Resources and Referral.<sup>58</sup> The ELCs administer these programs at the county and regional level.<sup>59</sup>

### [Voluntary Prekindergarten Program](#)

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>60</sup> Parents can choose to enroll their child in school-year or summer VPK Programs provided by private child care centers or public schools.<sup>61</sup> Parents with students with disabilities may also enroll their child in specialized instructional services programs for children with disabilities, if the child is evaluated and determined eligible for the program.<sup>62</sup>

### [Curriculum Standards for Voluntary PreKindergarten Programs](#)

Each private provider and public school may select or design its own VPK curriculum, which must:<sup>63</sup>

- Be developmentally appropriate;
- Be designed to prepare a student for early literacy and provide for instruction in early math skills;
- Enhance the age-appropriate progress of students in attaining VPK program performance standards adopted by DOE; and
- Support student learning gains through differentiated instruction as measured by the coordinated screening and progress monitoring program.

A VPK provider that fails to meet the minimum change-in-ability scores<sup>64</sup> from the initial and final progress monitoring results must use a curriculum reviewed and approved by DOE, which must maintain a list of the curricula it has approved. A [change-in-ability scores](#) refers to a change in the VPK provider's performance metrics and designations, which are used to assess and measure the performance of VPK providers on quality classroom instruction, child achievement and child learning gains.<sup>65</sup>

DOE is required to adopt a methodology for calculating each VPK provider's [performance metric](#) and assign a designation. The performance metric must be based on a combination of the following:<sup>66</sup>

- Program assessment composite scores;
- Learning gains; and
- Norm-referenced developmental learning outcomes.

<sup>57</sup> Florida Department of Education, *Early Learning*, available at <https://www.fldoe.org/schools/early-learning/>, (last visited Feb. 13, 2026).

<sup>58</sup> *Id.*

<sup>59</sup> Early Learning Coalition of Southwest Florida, *Our History*, available at <https://elcofswfl.org/about-us/our-history/> (last visited Feb. 13, 2026).

<sup>60</sup> [S. 1002.53\(2\), F.S.](#) Parents of eligible four-year-olds with special needs have the option to enroll their child in VPK Specialized Instructional Services Education Program. Also see Florida Department of Education, *What is Florida's Voluntary Prekindergarten Education Program (VPK)?*, available at <https://www.fldoe.org/schools/early-learning/parents/vpk-parents.stml>, (last visited Feb. 13, 2026).

<sup>61</sup> *Id.* Also, see [s.1002.53, F.S.](#)

<sup>62</sup> [S. 1002.53\(2\), F.S.](#)

<sup>63</sup> [S. 1002.67\(2\)\(a\) and \(b\), F.S.](#)

<sup>64</sup> Learning gains measure the academic growth of VPK students. [S. 1002.68, F.S.](#) Also, see DOE, *Guide to Calculating Voluntary Prekindergarten (VPK) Education Provider Performance Metrics and Designations*, available at <https://www.elcduval.org/wp-content/uploads/2024/11/Guide-to-Calculating-VPK-Educ-Pr-Prfrance-Metrics.pdf> (last visited February 24, 2026).

<sup>65</sup> [S. 1002.67\(2\)\(a\) and \(c\), F.S.](#) The DOE provides a list of currently approved curriculum packages for VPK providers on probation. See DOE, DEL, Approved VPK Curricula and Contact List for Providers on Probation, <https://www.fldoe.org/schools/early-learning/providers/vpk-providers.stml> (last visited February 24, 2026).

<sup>66</sup> [S. 1002.68\(4\)\(a\), F.S.](#) See also Rule 6M-8.622, F.A.C.

VPK providers are assigned a [designation](#) based on the provider’s performance metric points. Providers assigned designations of “meets expectations,” “above expectations,” and “excellent” have successfully implemented VPK programs. Providers designated as “below expectations” and “unsatisfactory” are identified as providers needing improvement and are placed on probation.<sup>67</sup>

### [Voluntary Prekindergarten Curriculum Approval Process](#)

The Florida VPK Education Program Policies and Procedures for Curriculum Approval set forth the procedures that must be compiled for curriculum to be evaluated for approval.<sup>68</sup> Publishers seeking approval of a curriculum must submit a comprehensive curriculum package to DOE by the specified deadline.<sup>69</sup> The curriculum must meet the specifications described in the VPK Curriculum Approval Specifications for Providers on Probation<sup>70</sup> and must:<sup>71</sup>

- Meet requirements as described in [s. 1002.67\(2\)\(b\), F.S.](#);
- Comply with [s. 1001.42\(8\)\(c\)3., F.S.](#);
- Be aligned to performance standards adopted in Rule 6M-8.602, F.A.C., as described in the approved specifications; and
- Receive an average score of one (1) on a scale of zero (0) to two (2) in the six (6) major priority areas: content, presentation, learning, professional learning, parent/family materials and research base.

Curriculum remain approved for a minimum of three calendar years and until the end of the VPK program year in which DOE finalizes a superseding approved curriculum list.<sup>72</sup>

### [School Readiness Program](#)

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>73</sup> The School Readiness Program offers financial assistance for child care to these families while supporting children in the development of skills for success in school. Additionally, the program provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, Migrant Head Start, Child Care Resource and Referral network, and the VPK program.<sup>74</sup> The School Readiness Program is a state-federal partnership between the DOE and the Office of Child Care within the federal Department of Health and Human Services.<sup>75</sup>

### [Teacher Education and Compensation Helps Scholarship Program](#)

<sup>67</sup> DOE, VPK Accountability, *VPK Provider Performance Metric and Designations*, available at <https://www.fldoe.org/file/20781/VPK-ppmdp.pdf>, (last visited February 24, 2026).

<sup>68</sup> DOE, *Florida Voluntary Prekindergarten (VPK) Education Program: Policies and Procedures for Curriculum Approval*, February 2025, available at [https://www.fldoe.org/file/20626/VPK\\_Curr\\_Policies\\_Proceeds.pdf](https://www.fldoe.org/file/20626/VPK_Curr_Policies_Proceeds.pdf), (last visited February 25, 2026).

<sup>69</sup> Rule 6M-8.604, F.A.C. requires DOE post the deadline on the Division of Early Learning’s website and to provide notice of the deadline at least 30 days prior.

<sup>70</sup> Specifications for Providers on Probation includes information about the kinds of curriculum that are desired, the age-level and domains for which the curriculum should be designed, and research findings regarding effective and developmentally appropriate curriculum. See also, DOE, *VPK Curriculum: VPK Curriculum for Providers on Probation*, available at <https://www.fldoe.org/schools/early-learning/providers/vpk-curriculum.stml>, (last visited February 25, 2026).

<sup>71</sup> Rule 6M-8.604, F.A.C.

<sup>72</sup> DOE, VPK Accountability, *VPK Provider Performance Metric and Designations*, available at <https://www.fldoe.org/file/20781/VPK-ppmdp.pdf>, (last visited February 24, 2026).

<sup>73</sup> Ss. [1002.81](#), and [1002.87, F.S.](#)

<sup>74</sup> DOE, *What is School Readiness (SR)?*, available at <https://www.fldoe.org/schools/early-learning/parents/school-readiness.stml>, (last visited Feb. 13, 2026).

<sup>75</sup> Section [1002.82\(1\), F.S.](#); U.S. Department of Health and Human Services, Office of Child Care, available at [https://www.acf.hhs.gov/sites/default/files/documents/occ/OCC\\_Facst\\_Sheet.pdf](https://www.acf.hhs.gov/sites/default/files/documents/occ/OCC_Facst_Sheet.pdf), (last visited Feb. 13, 2026).

The Teacher Education and Compensation Helps (TEACH) Scholarship Program provides scholarships to early childhood teachers/caregivers, and administrators of early childhood programs, family day care homes, and large family child care homes who are working towards an Associate, Bachelor, or Master's degree in early childhood education, a Florida Staff Credential, a Director Credential, a National Child Development Associate Assessment, or credential renewals.<sup>76</sup> The goal of the program is to increase the education, training, and compensation for early childhood teachers and caregivers who complete the program requirements, and to reduce the turnover rate in the field of early childhood education.<sup>77</sup>

The scholarships are available to teachers, directors, or family child care educators who:<sup>78</sup>

- Are Florida residents;
- Have a high school diploma from an accredited school or a GED;
- Are employed by a licensed or license-exempt child care facility, in a licensed or registered family child care home, or by a licensed after school program;
- Work a minimum of 20 hours per week with a birth through pre-K population or in an after-school program for a minimum of 520 hours per year; and
- Have the sponsorship of the child care or after school program which employs them.

The scholarship provides:<sup>79</sup>

- Cost for tuition and books;
- A per semester student access stipend for most scholars;
- A tiered-bonus structure for degree-seeking scholars who complete their contract;
- Counseling and administrative support; and
- A reimbursement to the center or family child care home for the paid release time provided to scholars.

Current law authorizes DOE to contract for the administration of the TEACH Scholarship Program.<sup>80</sup>

### Council for Professional Recognition

The Council for Professional Recognition is a nonprofit organization that supports early childhood education professionals and administers the Child Development Associate (CDA) credential.<sup>81</sup> The Child Development Associate credential is a widely recognized credential in early childhood education. It is based on a core set of competency standards that guide early childhood professionals toward becoming qualified educators of young children.<sup>82</sup> The Council for Professional Recognition works to ensure that the nationally transferable CDA is a credible and valid credential, and is recognized as an essential part of professional development in the profession of early childhood education.<sup>83</sup>

### Early Learning Professional Learning Standards and Career Pathways

<sup>76</sup> [S. 1002.95, F.S.](#), and 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 Feb. 13, 2026).

<sup>77</sup> *Id.*  
<sup>78</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 Feb. 13, 2026).

<sup>79</sup> *Id.*  
<sup>80</sup> [S. 1002.95, F.S.](#)

<sup>81</sup> Council for Professional Recognition, *Council for Professional Recognition Unveils Renewed Vision and Mission for Early Childhood Education*, available at <https://www.cdacouncil.org/en/press-release/council-for-professional-recognition-unveils-renewed-vision-and-mission-for-early-childhood-education/>, (last visited Feb. 13, 2026).

<sup>82</sup> Council for Professional Recognition, *About CDA*, available at [https://www.cdacouncil.org/en/about/learn-about-the-cda/#:~:text=The%20Child%20Development%20Associate%20AE%20\(CDA\)%20Credential%E2%84%A2%20is%20the,vital%20part%20of%20professional%20development.](https://www.cdacouncil.org/en/about/learn-about-the-cda/#:~:text=The%20Child%20Development%20Associate%20AE%20(CDA)%20Credential%E2%84%A2%20is%20the,vital%20part%20of%20professional%20development.), (last visited Feb. 13, 2026).

<sup>83</sup> *Id.*

Career Pathways address professional educator standards and competencies.<sup>84</sup> It is a progression of professional development and training which may include non-credit and credit coursework. DOE is required to develop early learning standards and career pathways. Specifically, DOE must:<sup>85</sup>

- Develop early learning professional learning training and course standards to be utilized for school readiness program providers;
- Identify both formal and informal early learning career pathways with stackable credentials and certifications that allow early childhood teachers to access specialized professional learning that:
  - Strengthens knowledge and teaching practices;
  - Aligns to established professional standards and core competencies;
  - Provides a progression of attainable, competency-based stackable credentials and certifications; and
  - Improves outcomes for children to increase kindergarten readiness and early grade success; and
- Subject to appropriation by the Legislature, provide incentives to school readiness personnel and prekindergarten instructors who meet certain requirements and who possess a reading certification or endorsement or a literacy micro-credential and teach students in the school readiness program or the VPK Program or work in a child care or early learning setting.

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<sup>84</sup> Rule 6M-4.735, F.A.C.

<sup>85</sup> [S. 1002.995, F.S.](#)

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Human Services Subcommittee</a>	15 Y, 0 N, As CS	1/28/2026	Mitz	Curry
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Renamed family day care homes “family child care homes”.</li> <li>• Removed the requirement for family child care homes to provide parents information about flu shots and leaving children in a vehicle unattended.</li> <li>• Modified the DOE DSO to add the benefit of child care facilities and homes.</li> <li>• Removed the legislative intent language for the DSO, and revised funding distribution requirements: <ul style="list-style-type: none"> <li>○ Require the board to use the funds to provide direct services to children through kindergarten and require the ELC to use a board-approved method to reimburse certain child care providers;</li> <li>○ Require state funds contributed to the endowment fund to be used primarily for child care tuition, prohibits their use for lobbyists or attorneys and caps marketing and advertising at eight percent.</li> </ul> </li> <li>• Required the administrator of the TEACH Program to establish the Center for Early Childhood Professional Recognition.</li> </ul>			
<a href="#">Student Academic Success Subcommittee</a>	13 Y, 1 N, As CS	2/5/2026	Sanchez	Blalock
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Included nonpublic elementary schools offering before- and after-school programs as exempt from licensure as a child care facility.</li> <li>• Included three-year olds in a nonpublic school exceptional student education program and four-year olds in a nonpublic school child care program in the definition of school-age children.</li> <li>• Removed Florida Endowment for Early Learning Act provisions.</li> <li>• Established the Brighter Futures Program.</li> </ul>			
<a href="#">Budget Committee</a>	28 Y, 0 N, As CS	2/16/2026	Pridgeon	Potvin
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Clarified that any legislative appropriation from the Child Care and Development Block Grant Trust Fund which may be provided to the Brighter Futures Program must be deposited into the Early Learning Fund and be used to fund children from the waiting list.</li> <li>• Required any family served by the Brighter Futures Program fund due to being on the waiting list shall have an early learning coalition apply the parent’s copayment based on family income pursuant to statute.</li> </ul>			
<a href="#">Health &amp; Human Services Committee</a>	21 Y, 0 N, As CS	2/24/2026	Calamas	Curry
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Changes the Brighter Futures Program to the Florida Child Care Fund.</li> <li>• Requires DEL to post the annual report on the DOE website.</li> <li>• Changes references to “change-in-ability scores” to “performance score or designation” and revises DOE’s approval process for VPK curricula.</li> </ul>			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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