

1 A bill to be entitled
2 An act relating to child care and early learning
3 services; amending s. 402.302, F.S.; revising the
4 definitions of the terms "child care facility" and
5 "child care personnel" and defining the term "school-
6 age children"; amending s. 402.305, F.S.; revising the
7 minimum standards for child care facility licensing;
8 amending s. 402.3131, F.S.; removing provisions that
9 require large family child care homes to provide
10 parents of enrolled children information relating to
11 certain viruses and the risks of leaving children in
12 vehicles; amending s. 627.70161, F.S.; changing the
13 term "family day care" to "family child care";
14 providing legislative intent relating to large family
15 child care homes; defining the term "large family
16 child care home"; prohibiting residential property
17 insurance policies from providing coverage for
18 liability for claims arising out of, or in connection
19 with, the operations of large family child care homes;
20 providing that insurers are under no obligation to
21 defend against lawsuits covering such claims;
22 providing exceptions; prohibiting insurers from
23 denying, cancelling, and refusing to renew a policy
24 for residential property insurance on the basis that
25 the policyholders or applicants operate large family

child care homes; providing exceptions; reenacting and amending s. 1001.24, F.S.; revising the definition of the term "Department of Education direct-support organization"; creating s. 1002.821, F.S.; providing a short title; providing definitions; providing legislative purpose and intent; creating the Florida Endowment for Early Learning Foundation within a Department of Education direct-support organization; providing revenues for the endowment fund; providing that funds from state sources are accounted separately from public and private sources; providing powers and duties of the board of directors; providing for distribution of moneys from the endowment fund; requiring annual reports and publications; requiring the Department of Education to adopt rules; amending s. 1002.95, F.S.; providing for administration of the Center for Early Childhood Professional Recognition; amending ss. 39.101 and 402.305, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (15) through (18) of section 402.302, Florida Statutes, are renumbered as subsections (16) through (19), respectively, paragraph (a) of subsection (2) and

subsection (3) are amended, and a new subsection (15) is added to the section, to read:

402.302 Definitions.—As used in this chapter, the term:

(2) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

(a) Public schools and nonpublic schools and their administered ~~integral~~ programs, except as provided in s.

402.3025.~~+~~

(b) Summer camps having children in full-time residence.~~+~~

(c) Summer day camps.~~+~~

(d) Bible schools normally conducted during vacation periods.~~+~~ and

(e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

(f) Before- and after-school programs, and any programs during off-school hours, offered and operated by public elementary schools at school sites for the schools' student populations.

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records. For purposes of screening, the term also includes persons 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, membership organizations under s. 402.301, or programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are 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 ~~grades kindergarten through 12~~. A volunteer who assists on an intermittent basis for less than 10

hours per month is not included in the term "personnel" for the purposes of screening and training if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

(15) "School-age children" means children who are:

(a) In kindergarten through grade 12;

(b) Three-year olds in a public school exceptional student education program; or

(c) Four-year olds in a public school child care program.

Section 2. Paragraph (a) of subsection (7) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(7) SANITATION AND SAFETY.—

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

126 times that children are present.

127 **Section 3. Subsections (9) and (10) of section 402.3131,**
128 **Florida Statutes, are amended to read:**

129 402.3131 Large family child care homes.—

130 ~~(9) During the months of August and September of each~~
131 ~~year, each large family child care home shall provide parents of~~
132 ~~children enrolled in the home detailed information regarding the~~
133 ~~causes, symptoms, and transmission of the influenza virus in an~~
134 ~~effort to educate those parents regarding the importance of~~
135 ~~immunizing their children against influenza as recommended by~~
136 ~~the Advisory Committee on Immunization Practices of the Centers~~
137 ~~for Disease Control and Prevention.~~

138 ~~(10) During the months of April and September of each~~
139 ~~year, at a minimum, each large family child care home shall~~
140 ~~provide parents of children attending the large family child~~
141 ~~care home information regarding the potential for a distracted~~
142 ~~adult to fail to drop off a child at the large family child care~~
143 ~~home and instead leave the child in the adult's vehicle upon~~
144 ~~arrival at the adult's destination. The large family child care~~
145 ~~home shall also give parents information about resources with~~
146 ~~suggestions to avoid this occurrence. The department shall~~
147 ~~develop a flyer or brochure with this information that shall be~~
148 ~~posted to the department's website, which large family child~~
149 ~~care homes may choose to reproduce and provide to parents to~~
150 ~~satisfy the requirements of this subsection.~~

151 **Section 4. Section 627.70161, Florida Statutes, is amended**
152 **to read:**

153 627.70161 Family child ~~day~~ care and large family child
154 care insurance.—

155 (1) PURPOSE AND INTENT.—The Legislature recognizes that
156 family child ~~day~~ care and large family child care homes fulfill
157 a vital role in providing child care in Florida. It is the
158 intent of the Legislature that residential property insurance
159 coverage should not be canceled, denied, or nonrenewed solely on
160 the basis of the child ~~family-day~~ care services at the
161 residence. The Legislature also recognizes that the potential
162 liability of residential property insurers is substantially
163 increased by the rendition of child care services on the
164 premises. The Legislature therefore finds that there is a public
165 need to specify that contractual liabilities that arise in
166 connection with the operation of the family child ~~day~~ care home
167 or the large family child care home are excluded from
168 residential property insurance policies unless they are
169 specifically included in such coverage.

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

171 (a) "Child care" means the care, protection, and
172 supervision of a child, for a period of less than 24 hours a day
173 on a regular basis, which supplements parental care, enrichment,
174 and health supervision for the child, in accordance with his or
175 her individual needs, and for which a payment, fee, or grant is

176 made for care.

177 (b) "Family child ~~day~~ care home" means an occupied
178 residence in which child care is regularly provided for children
179 from at least two unrelated families and which receives a
180 payment, fee, or grant for any of the children receiving care,
181 whether or not operated for a profit.

182 (c) "Large family child care home" means an occupied
183 residence in which child care is regularly provided for children
184 from at least two unrelated families, which receives a payment,
185 fee, or grant for any of the children receiving care, whether or
186 not operated for profit, and which has at least two full-time
187 child care personnel on the premises during the hours of
188 operation. One of the two full-time child care personnel must be
189 the owner or occupant of the residence. A large family child
190 care home must first have operated as a licensed family child
191 care home for at least 2 years, with an operator who has held a
192 child development associate credential or its equivalent for at
193 least 1 year, before seeking licensure as a large family child
194 care home. Household children under 13 years of age, when on the
195 premises of the large family child care home or on a field trip
196 with children enrolled in child care, must be included in the
197 overall capacity of the licensed home. A large family child care
198 home may provide care for one of the following groups of
199 children, which must include household children under 13 years
200 of age:

201 1. A maximum of 8 children from birth to 24 months of age.

202 2. A maximum of 12 children, with no more than 4 children
203 under 24 months of age.

204 (3) FAMILY CHILD DAY CARE AND LARGE FAMILY CHILD CARE
205 HOMES; COVERAGE.—A residential property insurance policy may
206 ~~shall~~ not provide coverage for liability for claims arising out
207 of, or in connection with, the operation of a family child day
208 care home or a large family child care home, and the insurer
209 shall be under no obligation to defend against lawsuits covering
210 such claims, unless:

211 (a) Specifically covered in a policy; or

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

214 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
215 insurer may not deny, cancel, or refuse to renew a policy for
216 residential property insurance solely on the basis that the
217 policyholder or applicant operates a family child day care home
218 or a large family child care home. In addition to other lawful
219 reasons for refusing to insure, an insurer may deny, cancel, or
220 refuse to renew a policy of a family child day care home or a
221 large family child care home provider if one or more of the
222 following conditions occur:

223 (a) The policyholder or applicant provides care for more
224 children than authorized ~~for family day care homes~~ by s.
225 402.302;

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

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

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

Section 5. Section 1001.24, Florida Statutes, is reenacted and amended to read:

1001.24 Direct-support organization; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Department of Education direct-support organization" means an organization:

1. That is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. That is organized and operated exclusively to receive,

251 hold, invest, and administer property and to make expenditures
252 to or for the benefit of the early learning programs under parts
253 V and VI of chapter 1002 and public prekindergarten through 12th
254 grade education in this state.

255 3. That the State Board of Education, after review, has
256 certified to be operating in a manner consistent with the goals
257 and best interest of the Department of Education.

258 (b) "Personal services" includes full-time or part-time
259 personnel, as well as payroll processing.

260 (2) USE OF PROPERTY.—The State Board of Education:

261 (a) May permit the use of property, facilities, and
262 personal services of the department by the direct-support
263 organization, subject to the provisions of this section.

264 (b) Shall prescribe by rule conditions with which the
265 direct-support organization must comply in order to use
266 property, facilities, or personal services of the department.
267 Such rules shall provide for budget and audit review and for
268 oversight by the department.

269 (c) Shall not permit the use of property, facilities, or
270 personal services of the direct-support organization if such
271 organization does not provide equal employment opportunities to
272 all persons, regardless of race, color, national origin, gender,
273 age, or religion.

274 (3) BOARD OF DIRECTORS.—The board of directors of the
275 department direct-support organization shall be appointed by the

commissioner and shall include representation from business, industry, and other components of Florida's economy.

(4) ANNUAL AUDIT.—Each direct-support organization shall provide for an annual financial audit in accordance with s. 215.981. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization 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 shall be confidential and exempt from the provisions of s. 119.07(1).

Section 6. Section 1002.821, Florida Statutes, is created to read:

1002.821 Early learning foundation within a Department of Education direct-support organization.—

(1) SHORT TITLE.—This section may be cited as the "Florida Endowment for Early Learning Act."

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

(a) "Board" means the board of directors of the Florida Endowment for Early Learning Foundation established in subsection (4). The board is appointed by the Commissioner of Education pursuant to s. 1001.24(3).

(b) "Endowment fund" means a fund established for the Florida Endowment for Early Learning Foundation to provide early learning education opportunities to children.

301 (c) "Foundation" means the Florida Endowment for Early
302 Learning Foundation established in subsection (4).

303 (d) "Operating account" means an account established under
304 paragraph (4)(c) to carry out the purposes provided in
305 subsection (6).

306 (3) LEGISLATIVE INTENT.—The Legislature recognizes that
307 high-quality early learning experiences prepare children for a
308 lifetime of success by fostering academic foundational skills,
309 executive functioning skills, and cognitive functions. However,
310 there is a critical need for significant additional funding to
311 make these early learning experiences available for children who
312 need them. The Legislature finds and declares that:

313 (a) With continued support, Florida's youngest citizens
314 can have access to high-quality early learning opportunities
315 that reduce the need for significant long-term educational
316 interventions and provide the foundational experiences necessary
317 for a child to have success in school and in life.

318 (b) The purpose of this section is to broaden the
319 participation in, and funding potential for, early learning
320 opportunities for this state's young learners. It is appropriate
321 to encourage individual and corporate involvement, as well as
322 state support, to promote access to early learning programs for
323 Florida's youngest citizens.

324 (4) FLORIDA ENDOWMENT FOR EARLY LEARNING FOUNDATION;
325 REVENUE FOR THE ENDOWMENT FUND.—

326 (a) The Florida Endowment for Early Learning Foundation
327 shall be established within a Department of Education direct-
328 support organization, as defined in s. 1001.24, to solicit long-
329 term, stable revenues to be administered in accordance with
330 rules adopted by the department.

331 (b) The principal of the endowment fund of the foundation
332 shall derive from any legislative appropriations that may be
333 made to the endowment fund, and bequests, gifts, grants, and
334 donations as may be solicited for such purpose by the foundation
335 from public or private sources.

336 (c) The board of directors of the foundation shall
337 establish an operating account and shall deposit into the
338 account the moneys received under paragraph (b). Moneys in the
339 operating account shall be available to carry out the purposes
340 of subsection (6).

341 (d) Funds received from state sources shall be accounted
342 for separately from bequests, gifts, grants, and donations that
343 may be solicited for such purposes by the foundation from public
344 or private sources. Earnings on funds received from state
345 sources and funds received from public or private sources shall
346 be accounted for separately.

347 (5) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
348 prescribed in this section or by rule of the department:

349 (a) The board may solicit and receive bequests, gifts,
350 grants, donations, goods, and services. Gifts may be used only

351 for the purposes stated by the donor. The board may transmit
352 monetary gifts to the State Board of Administration for deposit
353 into the endowment fund.

354 (b) The board may enter into contracts with the Federal
355 Government, state or local agencies, early learning coalitions,
356 private entities, or individuals to carry out the purposes of
357 this section.

358 (c) The board may identify, initiate, and fund new and
359 creative programs to carry out the purposes of this section,
360 using existing organizations, early learning coalitions,
361 associations, and agencies to implement such early learning
362 programs and purposes wherever possible.

363 (d) The board may make gifts or grants:

364 1. To the State of Florida or any political subdivision
365 thereof, or any public agency of state or local government.

366 2. To an early learning coalition for administration of
367 direct services to children identified by the board.

368 3. To the Division of Early Learning for purposes of
369 program recognition, marketing, public relations, and education.

370 (e) The board may advertise and solicit applications for
371 funding and shall evaluate applications and program proposals
372 submitted thereto. Funding shall be awarded only if the
373 evaluation of the proposed program is positive and the proposal
374 meets both the guidelines for use established in subsection (6)
375 and such evaluation criteria as the department may prescribe by

376 rule.

377 (f) The board shall monitor, review, and annually evaluate
378 funded programs to determine whether funding should be
379 continued, terminated, reduced, or increased.

380 (g) The board may take such additional actions, including
381 the hiring of necessary staff, as are deemed necessary and
382 appropriate to administer this section, subject to rules of the
383 department.

384 (6) DISTRIBUTION OF MONEYS.—The board shall use the moneys
385 in the operating account, by whatever means, to provide for:

386 (a) Direct services to children in accordance with an
387 allocation methodology to an early learning coalition approved
388 by the board.

389 1. Unless otherwise specified by the donor, the early
390 learning coalition shall apply a parent copayment based on
391 family income pursuant to s. 1002.84(9) or s. 1002.935(2)(b).

392 2. The early learning coalition shall reimburse a provider
393 who serves a child, using money awarded from the endowment fund
394 at the same reimbursement rate allowed pursuant to s.
395 1002.84(17)(a).

396 3. Each early learning coalition providing direct services
397 shall comply with the same administrative requirements under
398 this part.

399 (b) Programs designed to support early learning as
400 identified by donors, gifts, or grants.

401 (c) Any allocation of funds for programs under paragraph
402 (b), for advertising, or for consulting is subject to a
403 competitive solicitation process. State funds may not be used to
404 fund events for private sector donors or potential donors or to
405 honor supporters.

406 (7) ANNUAL REPORT.—By January 1 of each year, beginning
407 January 1, 2027, the Division of Early Learning shall submit to
408 the Legislature, and the department shall publish on its
409 website, a report of activities pursuant to s. 1002.82(7) which
410 summarizes the performance of the endowment fund and the
411 foundation's fundraising activities for the previous fiscal year
412 and which details those activities and programs supported by the
413 endowment fund principal or earnings on the endowment fund
414 principal and those activities and programs supported by private
415 sources, bequests, gifts, grants, donations, and other valued
416 goods and services received. The report must also include:

417 (a) Financial data, by service type, including
418 expenditures for administration and the provision of services by
419 each early learning coalition.

420 (b) The amount of funds spent on administrative expenses
421 and fundraising and the amount of funds raised from private
422 sources.

423 (c) Outcome data, including the number of children served
424 and any child outcomes.

425 (8) RULES.—The department shall adopt rules for the

implementation of this section.

Section 7. Section 1002.95, Florida Statutes, is amended to read:

1002.95 Teacher Education and Compensation Helps (TEACH) Scholarship Program.—

(1)(a) The department may contract for the administration of the Teacher Education and Compensation Helps (TEACH) Scholarship Program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes. The goal of the program is to increase the education and training for caregivers, increase the compensation for child caregivers who complete the program requirements, and reduce the rate of participant turnover in the field of early childhood education.

(b) Subject to appropriation, the Teacher Education and Compensation Helps (TEACH) Scholarships Program administrator contracted under paragraph (a) shall also administer the Center for Early Childhood Professional Recognition to ensure alignment of training statewide, including, but not limited to, methods of early childhood professional training approval, methods of early childhood professional trainer approval, and implementation of competency-based assessments aligned to the early learning professional development standards and career pathways under s. 1002.995.

(2) The State Board of Education shall adopt rules as

necessary to administer this section.

Section 8. Paragraph (a) of subsection (4) of section 39.101, Florida Statutes, is amended to read:

39.101 Central abuse hotline.—The central abuse hotline is the first step in the safety assessment and investigation process.

(4) USE OF INFORMATION RECEIVED BY THE CENTRAL ABUSE HOTLINE.—

(a) Information received by the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

Section 9. Paragraph (a) of subsection (2) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

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

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

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

The department may grant limited exemptions to the minimum standards provided in this subsection which authorize a person to work in a specified role or with a specified population.

Section 10. This act shall take effect July 1, 2026.