

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 and
4 providing definitions; amending s. 402.305, F.S.;
5 revising the minimum standards for child care facility
6 licensing; amending ss. 402.313 and 402.3131, F.S.;
7 removing provisions requiring family day care homes
8 and large family child care homes, respectively, to
9 provide specified information to parents; amending s.
10 627.70161, F.S.; changing the term "family day care"
11 to "family child care"; providing legislative intent
12 relating to large family child care homes; defining
13 the term "large family child care home"; prohibiting
14 residential property insurance policies from providing
15 coverage for liability for claims arising out of, or
16 in connection with, the operations of large family
17 child care homes; providing that insurers are under no
18 obligation to defend against lawsuits covering such
19 claims; providing exceptions; prohibiting insurers
20 from denying, cancelling, and refusing to renew a
21 policy for residential property insurance on the basis
22 that the policyholders or applicants operate large
23 family child care homes; providing exceptions;
24 reenacting and amending s. 1001.24, F.S.; revising the
25 definition of the term "Department of Education

direct-support organization"; creating s. 1002.821, F.S.; providing a short title; providing definitions; establishing 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 to adopt rules; amending s. 1002.95, F.S.; providing the administration of the Center for Early Childhood Professional Recognition; amending s. 39.101, F.S.; conforming a cross-reference; amending ss. 39.202, 125.0109, 166.0445, 212.08, 402.306, 402.309, 402.310, 402.3115, 402.312, 402.315, 402.316, 402.318, 402.319, 409.988, 411.203, 1002.55, 1002.82, 1002.83, 1002.84, 1002.88, 1002.895, 1002.92, 1002.93, and 1002.945, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (15) through (18) of section

51 **402.302, Florida Statutes, are renumbered as subsections (16)**
52 **through (19), respectively, paragraph (a) of subsection (2) and**
53 **subsections (3), (8), (9), and (11) are amended, and a new**
54 **subsection (15) is added to that section, to read:**

55 402.302 Definitions.—As used in this chapter, the term:

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

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

64 402.3025 ~~.~~⁺

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

66 (c) Summer day camps ~~.~~⁺

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

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

74 (f) Before-school and after-school programs, and any
75 programs during off-school hours, offered and operated by public

76 elementary schools at school sites for the schools' student
77 populations.

78 (3) "Child care personnel" means all owners, operators,
79 employees, and volunteers working in a child care facility. The
80 term does not include persons who work in a child care facility
81 after hours when children are not present or parents of children
82 in a child care facility. For purposes of screening, the term
83 includes any member, over the age of 12 years, of a child care
84 facility operator's family, or person, over the age of 12 years,
85 residing with a child care facility operator if the child care
86 facility is located in or adjacent to the home of the operator
87 or if the family member of, or person residing with, the child
88 care facility operator has any direct contact with the children
89 in the facility during its hours of operation. Members of the
90 operator's family or persons residing with the operator who are
91 between the ages of 12 years and 18 years are not required to be
92 fingerprinted but must be screened for delinquency records. For
93 purposes of screening, the term also includes persons who work
94 in child care programs that provide care for children 15 hours
95 or more each week in public or nonpublic schools, family child
96 ~~day~~ care homes, membership organizations under s. 402.301, or
97 programs otherwise exempted under s. 402.316. The term does not
98 include public or nonpublic school personnel who are providing
99 care during regular school hours, or after hours for activities
100 related to a school's program for students attending public or

101 nonpublic school programs ~~grades kindergarten through 12~~. A
102 volunteer who assists on an intermittent basis for less than 10
103 hours per month is not included in the term "personnel" for the
104 purposes of screening and training if a person who meets the
105 screening requirement of s. 402.305(2) is always present and has
106 the volunteer in his or her line of sight. Students who observe
107 and participate in a child care facility as a part of their
108 required coursework are not considered child care personnel,
109 provided such observation and participation are on an
110 intermittent basis and a person who meets the screening
111 requirement of s. 402.305(2) is always present and has the
112 student in his or her line of sight.

113 (8) "Family child ~~day~~ care home" means an occupied
114 residence in which child care is regularly provided for children
115 from at least two unrelated families and which receives a
116 payment, fee, or grant for any of the children receiving care,
117 whether or not operated for profit. Household children under 13
118 years of age, when on the premises of the family child ~~day~~ care
119 home or on a field trip with children enrolled in child care,
120 shall be included in the overall capacity of the licensed home.
121 A family child ~~day~~ care home shall be allowed to provide care
122 for one of the following groups of children, which shall include
123 household children under 13 years of age:

124 (a) A maximum of four children from birth to 12 months of
125 age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

(9) "Household children" means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family child ~~day~~ care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator's household children shall be left to the discretion of the operator unless those children receive subsidized child care through the school readiness program pursuant to s. 1002.92 to be in the home.

(11) "Large family child care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of 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 the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family child

day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

(a) A maximum of 8 children from birth to 24 months of age.

(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

(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 (2), paragraph (a) of subsection (7), and paragraph (a) of subsection (17) of section 402.305, Florida Statutes, are amended to read:

402.305 Licensing standards; child care facilities.—

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

176 (a) Good moral character based upon screening as defined
177 in s. 402.302 ~~s. 402.302(15)~~. This screening shall be conducted
178 as provided in chapter 435, using the level 2 standards for
179 screening provided in that chapter, and include employment
180 history checks, a search of criminal history records, sexual
181 predator and sexual offender registries, and child abuse and
182 neglect registry of any state in which the current or
183 prospective child care personnel resided during the preceding 5
184 years. The department shall complete the screening and provide
185 the results to the child care facility within 3 business days
186 from the receipt of the criminal history record check. If the
187 department is unable to complete the screening within 3 business
188 days, the department shall issue the current or prospective
189 child care personnel a 45-day provisional-hire status while all
190 required information is being requested and the department is
191 awaiting results unless the department has reason to believe a
192 disqualifying factor may exist. During the 45-day period, the
193 current or prospective child care personnel must be under the
194 direct supervision of a screened and trained staff member when
195 in contact with children.

196
197 The department may grant limited exemptions to the minimum
198 standards provided in this subsection which authorize a person
199 to work in a specified role or with a specified population.

200 (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 times that children are present.

(17) TRANSFER OF OWNERSHIP.—

(a) One week prior to the transfer of ownership of a child care facility or family child ~~day~~ care home, the transferor shall notify the parent or caretaker of each child of the impending transfer.

Section 3. Section 402.313, Florida Statutes, is amended to read:

402.313 Family child ~~day~~ care homes.—

(1) Family child ~~day~~ care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family child ~~day~~ care homes be licensed.

(a) If not subject to license, family ~~day~~ care homes shall register annually with the department, providing the following information:

1. The name and address of the home.
2. The name of the operator.

226 3. The number of children served.

227 4. Proof of a written plan to provide at least one other
228 competent adult to be available to substitute for the operator
229 in an emergency. This plan shall include the name, address, and
230 telephone number of the designated substitute.

231 5. Proof of screening and background checks.

232 6. Proof of successful completion of the 30-hour training
233 course, as evidenced by passage of a competency examination,
234 which shall include:

235 a. State and local rules and regulations that govern child
236 care.

237 b. Health, safety, and nutrition.

238 c. Identifying and reporting child abuse and neglect.

239 d. Child development, including typical and atypical
240 language development; and cognitive, motor, social, and self-
241 help skills development.

242 e. Observation of developmental behaviors, including using
243 a checklist or other similar observation tools and techniques to
244 determine a child's developmental level.

245 f. Specialized areas, including early literacy and
246 language development of children from birth to 5 years of age,
247 as determined by the department, for owner-operators of family
248 child day care homes.

249 7. Proof that immunization records are kept current.

250 8. Proof of completion of the required continuing

251 education units or clock hours.

252 (b) A family child ~~day~~ care home may volunteer to be
253 licensed under this act.

254 (c) The department may provide technical assistance to
255 counties and family child ~~day~~ care home providers to enable
256 counties and family child ~~day~~ care providers to achieve
257 compliance with family child ~~day~~ care homes standards.

258 (2) This information shall be included in a directory to
259 be published annually by the department to inform the public of
260 available child care facilities.

261 (3) Child care personnel in family child ~~day~~ care homes
262 shall be subject to the applicable screening provisions
263 contained in ss. 402.305(2) and 402.3055. For purposes of
264 screening in family child ~~day~~ care homes, the term includes any
265 member over the age of 12 years of a family child ~~day~~ care home
266 operator's family, or persons over the age of 12 years residing
267 with the operator in the family child ~~day~~ care home. Members of
268 the operator's family, or persons residing with the operator,
269 who are between the ages of 12 years and 18 years shall not be
270 required to be fingerprinted, but shall be screened for
271 delinquency records.

272 (4) Operators of family child ~~day~~ care homes must
273 successfully complete an approved 30-clock-hour introductory
274 course in child care, as evidenced by passage of a competency
275 examination, before caring for children.

276 (5) In order to further develop their child care skills
277 and, if appropriate, their administrative skills, operators of
278 family child ~~day~~ care homes shall be required to complete an
279 additional 1 continuing education unit of approved training or
280 10 clock hours of equivalent training, as determined by the
281 department, annually.

282 (6) Operators of family child ~~day~~ care homes shall be
283 required to complete 0.5 continuing education unit of approved
284 training in early literacy and language development of children
285 from birth to 5 years of age one time. The year that this
286 training is completed, it shall fulfill the 0.5 continuing
287 education unit or 5 clock hours of the annual training required
288 in subsection (5).

289 (7) Operators of family child ~~day~~ care homes shall be
290 required annually to complete a health and safety home
291 inspection self-evaluation checklist developed by the department
292 in conjunction with the statewide resource and referral program.
293 The completed checklist shall be signed by the operator of the
294 family child ~~day~~ care home and provided to parents as
295 certification that basic health and safety standards are being
296 met.

297 (8) Family child ~~day~~ care home operators may avail
298 themselves of supportive services offered by the department.

299 (9) The department shall prepare a brochure on family
300 child ~~day~~ care for distribution by the department and by local

301 licensing agencies, if appropriate, to family child ~~day~~ care
302 homes for distribution to parents utilizing such child care, and
303 to all interested persons, including physicians and other health
304 professionals; mental health professionals; school teachers or
305 other school personnel; social workers or other professional
306 child care, foster care, residential, or institutional workers;
307 and law enforcement officers. The brochure shall, at a minimum,
308 contain the following information:

309 (a) A brief description of the requirements for family
310 child ~~day~~ care registration, training, and fingerprinting and
311 screening.

312 (b) A listing of those counties that require licensure of
313 family child ~~day~~ care homes. Such counties shall provide an
314 addendum to the brochure that provides a brief description of
315 the licensure requirements or may provide a brochure in lieu of
316 the one described in this subsection, provided it contains all
317 the required information on licensure and the required
318 information in the subsequent paragraphs.

319 (c) A statement indicating that information about the
320 family child ~~day~~ care home's compliance with applicable state or
321 local requirements can be obtained by telephoning the department
322 office or the office of the local licensing agency, if
323 appropriate, at a telephone number or numbers which shall be
324 affixed to the brochure.

325 (d) The statewide toll-free telephone number of the

central abuse hotline, together with a notice that reports of suspected and actual child physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline.

(e) Any other information relating to competent child care that the department or local licensing agency, if preparing a separate brochure, deems would be helpful to parents and other caretakers in their selection of a family child ~~day~~ care home.

(10) On an annual basis, the department shall evaluate the registration and licensure system for family child ~~day~~ care homes. Such evaluation shall, at a minimum, address the following:

(a) The number of family child ~~day~~ care homes registered and licensed and the dates of such registration and licensure.

(b) The number of children being served in both registered and licensed family child ~~day~~ care homes and any available slots in such homes.

(c) The number of complaints received concerning family child ~~day~~ care, the nature of the complaints, and the resolution of such complaints.

(d) The training activities utilized by child care personnel in family child ~~day~~ care homes for meeting the state or local training requirements.

The evaluation shall be utilized by the department in any

351 administrative modifications or adjustments to be made in the
352 registration of family child ~~day~~ care homes or in any
353 legislative requests for modifications to the system of
354 registration or to other requirements for family child ~~day~~ care
355 homes.

356 (11) In order to inform the public of the state
357 requirement for registration of family child ~~day~~ care homes as
358 well as the other requirements for such homes to legally operate
359 in the state, the department shall institute a media campaign to
360 accomplish this end. Such a campaign shall include, at a
361 minimum, flyers, newspaper advertisements, radio advertisements,
362 and television advertisements.

363 (12) Notwithstanding any other state or local law or
364 ordinance, any family child ~~day~~ care home licensed pursuant to
365 this chapter or pursuant to a county ordinance shall be charged
366 the utility rates accorded to a residential home. A licensed
367 family child ~~day~~ care home may not be charged commercial utility
368 rates.

369 (13) The department shall, by rule, establish minimum
370 standards for family child ~~day~~ care homes that are required to
371 be licensed by county licensing ordinance or county licensing
372 resolution or that voluntarily choose to be licensed. The
373 standards should include requirements for staffing, training,
374 maintenance of immunization records, minimum health and safety
375 standards, reduced standards for the regulation of child care

376 during evening hours by municipalities and counties, and
377 enforcement of standards.

378 ~~(14) During the months of August and September of each~~
379 ~~year, each family day care home shall provide parents of~~
380 ~~children enrolled in the home detailed information regarding the~~
381 ~~causes, symptoms, and transmission of the influenza virus in an~~
382 ~~effort to educate those parents regarding the importance of~~
383 ~~immunizing their children against influenza as recommended by~~
384 ~~the Advisory Committee on Immunization Practices of the Centers~~
385 ~~for Disease Control and Prevention.~~

386 ~~(15) During the months of April and September of each~~
387 ~~year, at a minimum, each family day care home shall provide~~
388 ~~parents of children attending the family day care home~~
389 ~~information regarding the potential for a distracted adult to~~
390 ~~fail to drop off a child at the family day care home and instead~~
391 ~~leave the child in the adult's vehicle upon arrival at the~~
392 ~~adult's destination. The family day care home shall also give~~
393 ~~parents information about resources with suggestions to avoid~~
394 ~~this occurrence. The department shall develop a flyer or~~
395 ~~brochure with this information that shall be posted to the~~
396 ~~department's website, which family day care homes may choose to~~
397 ~~reproduce and provide to parents to satisfy the requirements of~~
398 ~~this subsection.~~

399 **Section 4. Subsections (9) and (10) of section 402.3131,**
400 **Florida Statutes, are amended to read:**

402.3131 Large family child care homes.—

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

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

Section 5. Section 627.70161, Florida Statutes, is amended to read:

627.70161 Family child ~~day~~ care and large family child

426 care insurance.—

427 (1) PURPOSE AND INTENT.—The Legislature recognizes that
428 family child ~~day~~ care and large family child care homes fulfill
429 a vital role in providing child care in Florida. It is the
430 intent of the Legislature that residential property insurance
431 coverage should not be canceled, denied, or nonrenewed solely on
432 the basis of the child ~~family-day~~ care services at the
433 residence. The Legislature also recognizes that the potential
434 liability of residential property insurers is substantially
435 increased by the rendition of child care services on the
436 premises. The Legislature therefore finds that there is a public
437 need to specify that contractual liabilities that arise in
438 connection with the operation of the family child ~~day~~ care home
439 or the large family child care home are excluded from
440 residential property insurance policies unless they are
441 specifically included in such coverage.

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

443 (a) "Child care" means the care, protection, and
444 supervision of a child, for a period of less than 24 hours a day
445 on a regular basis, which supplements parental care, enrichment,
446 and health supervision for the child, in accordance with his or
447 her individual needs, and for which a payment, fee, or grant is
448 made for care.

449 (b) "Family child ~~day~~ care home" means an occupied
450 residence in which child care is regularly provided for children

451 from at least two unrelated families and which receives a
452 payment, fee, or grant for any of the children receiving care,
453 whether or not operated for a profit.

454 (c) "Large family child care home" means an occupied
455 residence in which child care is regularly provided for children
456 from at least two unrelated families, which receives a payment,
457 fee, or grant for any of the children receiving care, whether or
458 not operated for profit, and which has at least two full-time
459 child care personnel on the premises during the hours of
460 operation. One of the two full-time child care personnel must be
461 the owner or occupant of the residence. A large family child
462 care home must first have operated as a licensed family child
463 care home for at least 2 years, with an operator who has held a
464 child development associate credential or its equivalent for at
465 least 1 year, before seeking licensure as a large family child
466 care home. Household children under 13 years of age, when on the
467 premises of the large family child care home or on a field trip
468 with children enrolled in child care, must be included in the
469 overall capacity of the licensed home. A large family child care
470 home may provide care for one of the following groups of
471 children, which must include household children under 13 years
472 of age:

- 473 1. A maximum of 8 children from birth to 24 months of age.
474 2. A maximum of 12 children, with no more than 4 children
475 under 24 months of age.

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

483 (a) Specifically covered in a policy; or

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

486 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An
487 insurer may not deny, cancel, or refuse to renew a policy for
488 residential property insurance solely on the basis that the
489 policyholder or applicant operates a family child day care home
490 or a large family child care home. In addition to other lawful
491 reasons for refusing to insure, an insurer may deny, cancel, or
492 refuse to renew a policy of a family child day care home or a
493 large family child care home provider if one or more of the
494 following conditions occur:

495 (a) The policyholder or applicant provides care for more
496 children than authorized ~~for family day care homes~~ by s.
497 402.302;

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

501 large family child care home operations;

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

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

511 **Section 6. Section 1001.24, Florida Statutes, is reenacted**
512 **and amended to read:**

513 1001.24 Direct-support organization; use of property;
514 board of directors; audit.—

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

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

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

522 2. That is organized and operated exclusively to receive,
523 hold, invest, and administer property and to make expenditures
524 to or for the benefit of the early learning programs under parts
525 V and VI of chapter 1002, child care facilities licensed under

526 s. 402.305, family child care homes licensed or registered under
527 s. 402.313, large family child care homes licensed under s.
528 402.3131, and public prekindergarten through 12th grade
529 education in this state.

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

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

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

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

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

544 (c) Shall not permit the use of property, facilities, or
545 personal services of the direct-support organization if such
546 organization does not provide equal employment opportunities to
547 all persons, regardless of race, color, national origin, gender,
548 age, or religion.

549 (3) BOARD OF DIRECTORS.—The board of directors of the
550 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 7. 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 (3). 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.

576 (c) "Foundation" means the Florida Endowment for Early
577 Learning Foundation established in subsection (3).

578 (d) "Operating account" means an account established under
579 paragraph (3)(c) to carry out the purposes provided in
580 subsection (5).

581 (3) FLORIDA ENDOWMENT FOR EARLY LEARNING FOUNDATION;
582 REVENUE FOR THE ENDOWMENT FUND.—

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

588 (b) The principal of the endowment fund of the foundation
589 shall derive from any legislative appropriations that may be
590 made to the endowment fund, and bequests, gifts, grants, and
591 donations as may be solicited for such purpose by the foundation
592 from public or private sources.

593 (c) The board of directors of the foundation shall
594 establish an operating account and shall deposit into the
595 account the moneys received under paragraph (b). Moneys in the
596 operating account shall be available to carry out the purposes
597 of subsection (5).

598 (d) Funds received from state sources shall be accounted
599 for separately from bequests, gifts, grants, and donations that
600 may be solicited for such purposes by the foundation from public

601 or private sources. Earnings on funds received from state
602 sources and funds received from public or private sources shall
603 be accounted for separately.

604 (4) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
605 prescribed in this section or by rule of the department:

606 (a) The board may solicit and receive bequests, gifts,
607 grants, donations, goods, and services. Gifts may be used only
608 for the purposes stated by the donor. The board may transmit
609 monetary gifts to the State Board of Administration for deposit
610 into the endowment fund.

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

615 (c) The board may identify, initiate, and fund new and
616 creative programs to carry out the purposes of this section,
617 using existing organizations, early learning coalitions,
618 associations, and agencies to implement such early learning
619 programs and purposes wherever possible.

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

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

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

625 3. To the Division of Early Learning for purposes of

626 program recognition, marketing, public relations, and education.

627 (e) The board may advertise and solicit applications for
628 funding and shall evaluate applications and program proposals
629 submitted thereto. Funding shall be awarded only if the
630 evaluation of the proposed program is positive and the proposal
631 meets both the guidelines for use established in subsection (5)
632 and such evaluation criteria as the department may prescribe by
633 rule.

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

637 (g) The board may take such additional actions, including
638 the hiring of necessary staff, as are deemed necessary and
639 appropriate to administer this section, subject to rules of the
640 department.

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

643 (a)1. Direct services to children from birth through
644 kindergarten in accordance with an allocation methodology to an
645 early learning coalition approved by the board.

646 2. The early learning coalition shall reimburse a provider
647 who serves a child through direct services described in
648 subparagraph 1., using money awarded from the endowment fund at
649 a reimbursement rate determined by the board.

650 (b) Programs designed to support early learning as

651 identified by donors, gifts, or grants.

652 (c) Any allocation of funds for programs under paragraph
653 (b), for advertising, or for consulting is subject to a
654 competitive solicitation process.

655 (d) State funds shall be spent in majority part for child
656 care tuition and may not be used to:

657 1. Fund events for private sector donors or potential
658 donors or to honor supporters.

659 2. Hire lobbyists or attorneys.

660 3. Pay for marketing or advertising with more than 8
661 percent of total funds on hand.

662 (6) ANNUAL REPORT.—By January 1 of each year, beginning
663 January 1, 2027, the Division of Early Learning shall submit to
664 the Legislature, and the department shall publish on its
665 website, a report of activities pursuant to s. 1002.82(7) which
666 summarizes the performance of the endowment fund and the
667 foundation's fundraising activities for the previous fiscal year
668 and which details those activities and programs supported by the
669 endowment fund principal or earnings on the endowment fund
670 principal and those activities and programs supported by private
671 sources, bequests, gifts, grants, donations, and other valued
672 goods and services received. The report must also include:

673 (a) Financial data, by service type, including
674 expenditures for administration and the provision of services by
675 each early learning coalition.

676 (b) The amount of funds spent on administrative expenses
677 and fundraising and the amount of funds raised from private
678 sources.

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

681 (7) RULES.—The department shall adopt rules for the
682 implementation of this section.

683 **Section 8. Section 1002.95, Florida Statutes, is amended**
684 **to read:**

685 1002.95 Teacher Education and Compensation Helps (TEACH)
686 Scholarship Program.—

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

697 (b) Subject to appropriation, the TEACH Scholarships
698 Program administrator contracted under paragraph (a) shall also
699 establish and administer the Center for Early Childhood
700 Professional Recognition to ensure alignment of training

701 statewide, including, but not limited to, methods of early
702 childhood professional training approval, and implementation of
703 competency-based assessments aligned to the early learning
704 professional development standards and career pathways under s.
705 1002.995.

706 (2) The State Board of Education shall adopt rules as
707 necessary to administer this section.

708 **Section 9. Paragraph (a) of subsection (4) of section**
709 **39.101, Florida Statutes, is amended to read:**

710 39.101 Central abuse hotline.—The central abuse hotline is
711 the first step in the safety assessment and investigation
712 process.

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

715 (a) Information received by the central abuse hotline may
716 not be used for employment screening, except as provided in s.
717 39.202(2)(a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

718 **Section 10. Paragraph (a) of subsection (2) of section**
719 **39.202, Florida Statutes, is amended to read:**

720 39.202 Confidentiality of reports and records in cases of
721 child abuse or neglect; exception.—

722 (2) Except as provided in subsection (4), access to such
723 records, excluding the name of, or other identifying information
724 with respect to, the reporter which may only be released as
725 provided in subsection (5), may only be granted to the following

persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, the Department of Education, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Early intervention and prevention services;
4. Healthy Start services;
5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapters 393 and 394, family child ~~day~~ care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children;
6. Employment screening for caregivers in residential group homes and facilities licensed under chapters 393, 394, and 409; or
7. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

Section 11. Section 125.0109, Florida Statutes, is amended to read:

125.0109 Family child ~~day~~ care homes; local zoning regulation.—The operation of a residence as a family child ~~day~~ care home, as defined by law, registered or licensed with the Department of Children and Families shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family child ~~day~~ care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use.

Section 12. Section 166.0445, Florida Statutes, is amended to read:

166.0445 Family child ~~day~~ care homes; local zoning regulation.—The operation of a residence as a family child ~~day~~ care home, as defined by law, registered or licensed with the Department of Children and Families shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family child ~~day~~ care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use.

Section 13. Paragraph (j) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and

776 storage tax; specified exemptions.—The sale at retail, the
777 rental, the use, the consumption, the distribution, and the
778 storage to be used or consumed in this state of the following
779 are hereby specifically exempt from the tax imposed by this
780 chapter.

781 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
782 entity by this chapter do not inure to any transaction that is
783 otherwise taxable under this chapter when payment is made by a
784 representative or employee of the entity by any means,
785 including, but not limited to, cash, check, or credit card, even
786 when that representative or employee is subsequently reimbursed
787 by the entity. In addition, exemptions provided to any entity by
788 this subsection do not inure to any transaction that is
789 otherwise taxable under this chapter unless the entity has
790 obtained a sales tax exemption certificate from the department
791 or the entity obtains or provides other documentation as
792 required by the department. Eligible purchases or leases made
793 with such a certificate must be in strict compliance with this
794 subsection and departmental rules, and any person who makes an
795 exempt purchase with a certificate that is not in strict
796 compliance with this subsection and the rules is liable for and
797 shall pay the tax. The department may adopt rules to administer
798 this subsection.

799 (j) Household fuels.—Also exempt from payment of the tax
800 imposed by this chapter are sales of utilities to residential

households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family child ~~day~~ care homes shall also be exempt.

Section 14. Subsection (3) of section 402.306, Florida Statutes, is amended to read:

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

(3) The department and local licensing agencies, or the designees thereof, shall be responsible for coordination and dissemination of information on child care to the community and shall make available through electronic means all licensing standards and procedures, health and safety standards for school readiness providers, monitoring and inspection reports, and the

names and addresses of licensed child care facilities, school readiness program providers, and, where applicable pursuant to s. 402.313, licensed or registered family child ~~day~~ care homes. This information shall also include the number of deaths, serious injuries, and instances of substantiated child abuse that have occurred in child care settings each year; research and best practices in child development; and resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

Section 15. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 402.309, Florida Statutes, are amended to read:

402.309 Provisional license or registration.—

(1) The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license for child care facilities, family child ~~day~~ care homes, or large family child care homes, or a provisional registration for family child ~~day~~ care homes to applicants for an initial license or registration or to licensees or registrants seeking a renewal who are unable to meet all the standards provided for in ss. 402.301-402.319.

(2) A provisional license or registration may not be issued unless the operator or owner makes adequate provisions for the health and safety of the child. A provisional license may be issued for a child care facility if all of the screening

materials have been timely submitted. A provisional license or registration may not be issued unless the child care facility, family child ~~day~~ care home, or large family child care home is in compliance with the requirements for screening of child care personnel in ss. 402.305, 402.3055, 402.313, and 402.3131, respectively.

(3) Notwithstanding subsection (2), a local licensing agency or the department, whichever is authorized to license child care facilities in a county, must issue a provisional license or registration if the operator or owner:

(a) Is applying for an initial license or registration for a child care facility, a family child ~~day~~ care home, or a large family child care home;

Section 16. Paragraph (d) of subsection (1) and subsection (4) of section 402.310, Florida Statutes, are amended to read:

402.310 Disciplinary actions; hearings upon denial, suspension, or revocation of license or registration; administrative fines.—

(1)

(d) The disciplinary sanctions ~~set forth~~ in this section apply to licensed child care facilities, licensed large family child care homes, and licensed or registered family child ~~day~~ care homes.

(4) An applicant, registrant, or licensee shall have the right to appeal a decision of the local licensing agency to a

representative of the department. Any required hearing shall be held in the county in which the child care facility, family child ~~day~~ care home, or large family child care home is being operated or is to be established. The hearing shall be conducted in accordance with the provisions of chapter 120.

Section 17. Subsection (1) and paragraph (a) of subsection (2) of section 402.3115, Florida Statutes, are amended to read:

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

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

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

1. Have been licensed for at least 2 consecutive years.
2. Have not had a Class 1 deficiency, as defined by rule, for at least 2 consecutive years.
3. Have not had more than three of the same Class 2 deficiencies, as defined by rule, for at least 2 consecutive years.

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

5. Do not have any current uncorrected violations.

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

Section 18. Section 402.312, Florida Statutes, is amended to read:

402.312 License required; injunctive relief.—

(1) The operation of a child care facility without a license, a family child ~~day~~ care home without a license or registration, or a large family child care home without a license is prohibited. If the department or the local licensing agency discovers that a child care facility is being operated without a license, a family child ~~day~~ care home is being operated without a license or registration, or a large family child care home is being operated without a license, the department or local licensing agency is authorized to seek an injunction in the circuit court where the facility is located to enjoin continued operation of such facility, family child ~~day~~ care home, or large family child care home. When the court is closed for the transaction of judicial business, the department or local licensing agency is authorized to seek an emergency injunction to enjoin continued operation of such unlicensed facility, unregistered or unlicensed family child ~~day~~ care home, or unlicensed large family child care home, which injunction

shall be continued, modified, or revoked on the next day of judicial business.

(2) Other grounds for seeking an injunction to close a child care facility, family child ~~day~~ care home, or a large family child care home are that:

(a) There is any violation of the standards applied under ss. 402.301-402.319 which threatens harm to any child in the child care facility, a family child ~~day~~ care home, or large family child care home.

(b) A licensee or registrant has repeatedly violated the standards provided for under ss. 402.301-402.319.

(c) A child care facility, family child ~~day~~ care home, or large family child care home continues to have children in attendance after the closing date established by the department or the local licensing agency.

(3) The department or local licensing agency may impose an administrative fine on any child care facility, family child ~~day~~ care home, or large family child care home operating without a license or registration, consistent with ~~the provisions of s.~~ 402.310.

Section 19. Subsection (3) of section 402.315, Florida Statutes, is amended to read:

402.315 Funding; license fees.—

(3) The department shall collect a fee for any license it issues for a child care facility, family child ~~day~~ care home, or

large family child care home pursuant to ss. 402.305, 402.313, and 402.3131.

(a) For a child care facility licensed pursuant to s. 402.305, such fee shall be \$1 per child, based on the licensed capacity of the facility, except that the minimum fee shall be \$25 per facility and the maximum fee shall be \$100 per facility.

(b) For a family child ~~day~~ care home registered pursuant to s. 402.313, such fee shall be \$25.

(c) For a family child ~~day~~ care home licensed pursuant to s. 402.313, such fee shall be \$50.

(d) For a large family child care home licensed pursuant to s. 402.3131, such fee shall be \$60.

Section 20. Subsection (2) of section 402.316, Florida Statutes, is amended to read:

402.316 Exemptions.—

(2) The provisions of ss. 402.301-402.319 do not apply to a child care facility or family child ~~day~~ care home if the child care facility or family child ~~day~~ care home has a certificate issued by the United States Department of Defense or by the United States Coast Guard to provide child care and has completed background screening by the United States Department of Defense pursuant to 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and received a favorable suitability and fitness determination. If the child care facility or family child ~~day~~ care home elects to serve children ineligible for care under the United States

Department of Defense Instruction 6060.02, the child care facility or family child ~~day~~ care home must be licensed under this chapter.

Section 21. Section 402.318, Florida Statutes, is amended to read:

402.318 Advertisement.—A person, as defined in s. 1.01(3), may not advertise a child care facility, family child ~~day~~ care home, or large family child care home without including within such advertisement the state or local agency license number or registration number of such facility or home. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 22. Section 402.319, Florida Statutes, is amended to read:

402.319 Penalties.—

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person knowingly to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under ss. 402.301-402.318 all information required under those sections or a material fact used in making a determination as to such person's qualifications to be child care personnel, as defined in s. 402.302, in a child care

1001 facility, family child ~~day~~ care home, or other child care
1002 program.

1003 (b) Operate or attempt to operate a child care facility
1004 without having procured a license as required by this act.

1005 (c) Operate or attempt to operate a family child ~~day~~ care
1006 home without a license or without registering with the
1007 department, whichever is applicable.

1008 (d) Operate or attempt to operate a child care facility or
1009 family child ~~day~~ care home under a license that is suspended,
1010 revoked, or terminated.

1011 (e) Misrepresent, by act or omission, a child care
1012 facility or family child ~~day~~ care home to be duly licensed
1013 pursuant to this act without being so licensed.

1014 (f) Make any other misrepresentation, by act or omission,
1015 regarding the licensure or operation of a child care facility or
1016 family child ~~day~~ care home to a parent or guardian who has a
1017 child placed in the facility or is inquiring as to placing a
1018 child in the facility, or to a representative of the licensing
1019 authority, or to a representative of a law enforcement agency,
1020 including, but not limited to, any misrepresentation as to:

1021 1. The number of children at the child care facility or
1022 the family child ~~day~~ care home;

1023 2. The part of the child care facility or family child ~~day~~
1024 care home designated for child care;

1025 3. The qualifications or credentials of child care

personnel;

4. Whether a family child ~~day~~ care home or child care facility complies with the screening requirements of s. 402.305; or

5. Whether child care personnel have the training as required by s. 402.305.

(2) If any child care personnel makes any misrepresentation in violation of this section to a parent or guardian who has placed a child in the child care facility or family child ~~day~~ care home, and the parent or guardian relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or negligence by the child care personnel, then the child care personnel commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Each child care facility, family child ~~day~~ care home, and large family child care home shall annually submit an affidavit of compliance with s. 39.201.

Section 23. Paragraph (c) of subsection (2) of section 409.988, Florida Statutes, is amended to read:

409.988 Community-based care lead agency duties; general provisions.—

(2) LICENSURE.—

(c) Substitute care providers who are licensed under s.

409.175 and who have contracted with a lead agency are also authorized to provide registered or licensed family child ~~day~~ care under s. 402.313 if such care is consistent with federal law and if the home has met the requirements of s. 402.313.

Section 24. Paragraph (b) of subsection (8) of section 411.203, Florida Statutes, is amended to read:

411.203 Continuum of comprehensive services.—The Department of Education and the Department of Health shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

(8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS OF HIGH-RISK CHILDREN.—

(b) Child care and early childhood programs, including, but not limited to, licensed child care facilities, family child ~~day~~ care homes, therapeutic child care, Head Start, and preschool programs in public and private schools.

Section 25. Paragraph (a) of subsection (3) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(a) The private prekindergarten provider must be a child care facility licensed under s. 402.305, family child ~~day~~ care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), faith-based child care provider exempt from licensure under s. 402.316, child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, or private prekindergarten provider that has been issued a provisional license under s. 402.309. A private prekindergarten provider may not deliver the program while holding a probation-status license under s.

402.310.

Section 26. Paragraph (u) of subsection (2) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

(u) Administer a statewide toll-free Warm-Line to provide assistance and consultation to child care facilities and family child ~~day~~ care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. The department shall:

1. Annually inform child care facilities and family child ~~day~~ care homes of the availability of this service through the child care resource and referral network under s. 1002.92.

2. Expand or contract for the expansion of the Warm-Line to maintain at least one Warm-Line in each early learning coalition service area.

Section 27. Paragraph (j) of subsection (4) of section 1002.83, Florida Statutes, is amended to read:

1002.83 Early learning coalitions.—

(4) Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has

more than one member representing the same entity, only one of such members may serve as a voting member:

(j) A representative of private for-profit child care providers, including private for-profit family child ~~day~~ care homes.

Section 28. Subsection (4) of section 1002.84, Florida Statutes, is amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(4) Establish a regional Warm-Line as directed by the department pursuant to s. 1002.82(2)(u). Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family child ~~day~~ care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family child ~~day~~ care homes may need as they serve children with disabilities and other special needs.

Section 29. Paragraphs (a) and (c) of subsection (1) of section 1002.88, Florida Statutes, are amended to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(a) Be a child care facility licensed under s. 402.305, a family child ~~day~~ care home licensed or registered under s.

1151 402.313, a large family child care home licensed under s.
1152 402.3131, a public school or nonpublic school exempt from
1153 licensure under s. 402.3025, a faith-based child care provider
1154 exempt from licensure under s. 402.316, a before-school or
1155 after-school program described in s. 402.305(1)(c), a child
1156 development program that is accredited by a national accrediting
1157 body and operates on a military installation that is certified
1158 by the United States Department of Defense, an informal child
1159 care provider to the extent authorized in the state's Child Care
1160 and Development Fund Plan as approved by the United States
1161 Department of Health and Human Services pursuant to 45 C.F.R. s.
1162 98.18, or a provider who has been issued a provisional license
1163 pursuant to s. 402.309. A provider may not deliver the program
1164 while holding a probation-status license under s. 402.310.

1165 (c) Provide basic health and safety of its premises and
1166 facilities and compliance with requirements for age-appropriate
1167 immunizations of children enrolled in the school readiness
1168 program.

1169 1. For a provider that is licensed, compliance with s.
1170 402.305, s. 402.3131, or s. 402.313 and this subsection, as
1171 verified pursuant to s. 402.311, satisfies this requirement.

1172 2. For a provider that is a registered family child ~~day~~
1173 care home or is not subject to licensure or registration by the
1174 Department of Children and Families, compliance with this
1175 subsection, as verified pursuant to s. 402.311, satisfies this

1176 requirement. Upon verification pursuant to s. 402.311, the
1177 provider shall annually post the health and safety checklist
1178 adopted by the department prominently on its premises in plain
1179 sight for visitors and parents and shall annually submit the
1180 checklist to its local early learning coalition.

1181 3. For a child development program that is accredited by a
1182 national accrediting body and operates on a military
1183 installation that is certified by the United States Department
1184 of Defense, the submission and verification of annual
1185 inspections pursuant to United States Department of Defense
1186 Instructions 6060.2 and 1402.05 satisfies this requirement.

1187 **Section 30. Paragraph (c) of subsection (2) of section**
1188 **1002.895, Florida Statutes, is amended to read:**

1189 1002.895 Market rate schedule.—The school readiness
1190 program market rate schedule shall be implemented as follows:

1191 (2) The market rate schedule must differentiate rates by
1192 provider type, including, but not limited to:

1193 (c) Family child ~~day~~ care homes licensed or registered
1194 under s. 402.313.

1195 **Section 31. Paragraph (a) of subsection (3) and subsection**
1196 **(4) of section 1002.92, Florida Statutes, are amended to read:**

1197 1002.92 Child care and early childhood resource and
1198 referral.—

1199 (3) Child care resource and referral agencies shall
1200 provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of an early learning provider performance profile of those services through the single statewide information system developed by the department under s. 1002.82(2)(q). These services may include family child ~~day~~ care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, and vacation care programs. The early learning provider performance profile shall include, but not be limited to:

1. Type of program.
2. Hours of service.
3. Ages of children served.
4. Number of children served.
5. Program information.
6. Fees and eligibility for services.
7. Availability of transportation.
8. Participation in the Child Care Food Program, if applicable.
9. A link to licensing inspection reports, if applicable.

1226 10. The components of the Voluntary Prekindergarten
1227 Education Program performance metric calculated under s. 1002.68
1228 which must consist of the program assessment composite score,
1229 learning gains score, achievement score, and its designations,
1230 if applicable.

1231 11. The school readiness program assessment composite
1232 score and program assessment care level composite score results
1233 delineated by infant classrooms, toddler classrooms, and
1234 preschool classrooms results under s. 1002.82, if applicable.

1235 12. Gold Seal Quality Care designation under s. 1002.945,
1236 if applicable.

1237 13. Indication of whether the provider implements a
1238 curriculum approved by the department and the name of the
1239 curriculum, if applicable.

1240 14. Participation in school readiness child assessment
1241 under s. 1002.82.

1242 (4) A child care facility licensed under s. 402.305 and
1243 licensed and registered family child ~~day~~ care homes must provide
1244 the statewide child care and resource and referral network with
1245 the following information annually:

- 1246 (a) Type of program.
1247 (b) Hours of service.
1248 (c) Ages of children served.
1249 (d) Fees and eligibility for services.

1250 **Section 32. Subsection (2) of section 1002.93, Florida**

1251 **Statutes, is amended to read:**

1252 1002.93 School readiness program transportation services.—

1253 (2) The transportation servicers may only provide
1254 transportation to each child participating in the school
1255 readiness program to the extent that such transportation is
1256 necessary to provide child care opportunities that otherwise
1257 would not be available to a child whose home is more than a
1258 reasonable walking distance from the nearest child care facility
1259 or family child ~~day~~ care home.

1260 **Section 33. Paragraph (b) of subsection (1), paragraphs**
1261 **(a) and (c) of subsection (3), and subsection (4) of section**
1262 **1002.945, Florida Statutes, are amended to read:**

1263 1002.945 Gold Seal Quality Care Program.—

1264 (1)

1265 (b) A child care facility, large family child care home,
1266 or family child ~~day~~ care home that is accredited by an
1267 accrediting association approved by the Department of Education
1268 under subsection (3) and meets all other requirements shall,
1269 upon application to the department, receive a separate "Gold
1270 Seal Quality Care" designation.

1271 (3)(a) In order to be approved by the Department of
1272 Education for participation in the Gold Seal Quality Care
1273 Program, an accrediting association must apply to the department
1274 and demonstrate that it:

1275 1. Is a recognized accrediting association.

1276 2. Has accrediting standards that substantially meet or
1277 exceed the Gold Seal Quality Care standards adopted by the state
1278 board under subsection (2).

1279 3. Is a registered corporation with the Department of
1280 State.

1281 4. Can provide evidence that the process for accreditation
1282 has, at a minimum, all of the following components:

1283 a. Clearly defined prerequisites that a child care
1284 provider must meet before beginning the accreditation process.
1285 However, accreditation may not be granted to a child care
1286 facility, large family child care home, or family child ~~day~~ care
1287 home before the site is operational and is attended by children.

1288 b. Procedures for completion of a self-study and
1289 comprehensive onsite verification process for each classroom
1290 that documents compliance with accrediting standards.

1291 c. A training process for accreditation verifiers to
1292 ensure inter-rater reliability.

1293 d. Ongoing compliance procedures that include requiring
1294 each accredited child care facility, large family child care
1295 home, and family child ~~day~~ care home to file an annual report
1296 with the accrediting association and risk-based, onsite auditing
1297 protocols for accredited child care facilities, large family
1298 child care homes, and family child ~~day~~ care homes.

1299 e. Procedures for the revocation of accreditation due to
1300 failure to maintain accrediting standards as evidenced by sub-

1301 subparagraph d. or any other relevant information received by
1302 the accrediting association.

1303 f. Accreditation renewal procedures that include an onsite
1304 verification occurring at least every 5 years.

1305 g. A process for verifying continued accreditation
1306 compliance in the event of a transfer of ownership of
1307 facilities.

1308 h. A process to communicate issues that arise during the
1309 accreditation period with governmental entities that have a
1310 vested interest in the Gold Seal Quality Care Program, including
1311 the Department of Education, the Department of Children and
1312 Families, the Department of Health, local licensing entities if
1313 applicable, and the early learning coalition.

1314 (c) If an accrediting association has granted
1315 accreditation to a child care facility, large family child care
1316 home, or family child ~~day~~ care under fraudulent terms or failed
1317 to conduct onsite verifications, the accrediting association
1318 shall be liable for the repayment of any rate differentials paid
1319 under subsection (6).

1320 (4) In order to obtain and maintain a designation as a
1321 Gold Seal Quality Care provider, a child care facility, large
1322 family child care home, or family child ~~day~~ care home must meet
1323 the following additional criteria:

1324 (a) The child care provider must not have had any class I
1325 violations, as defined by rule of the Department of Children and

Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more of the same class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more of the same class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations that are the same for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule of the Department of Children and Families, three or more times and failed to correct the violation within 1 year after the date of each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(d) Notwithstanding paragraph (a), if the Department of Education determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such provider's status is final.

Section 34. This act shall take effect July 1, 2026.