

By Senator Calatayud

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A bill to be entitled

An act relating to early childhood education; amending s. 402.302, F.S.; revising the definition of the terms "child care facility" and "child care personnel"; defining the term "school-age children"; amending s. 402.305, F.S.; conforming a cross-reference; revising the minimum standards for child care facility licensing; amending s. 402.3131, F.S.; deleting provisions that require large family child care homes to provide parents of enrolled children information relating to certain viruses and the risks of leaving children in vehicles; amending s. 627.70161, F.S.; changing the term "family day care" to "family child care"; providing legislative intent relating to large family child care homes; defining the term "large family child care home"; prohibiting residential property insurance policies from providing coverage for liability for claims arising out of, or in connection with, the operations of large family child care homes; providing that insurers are under no obligation to defend against lawsuits covering such claims; providing exceptions; prohibiting insurers from denying, cancelling, or refusing to renew a policy for residential property insurance on the basis that the policyholders or applicants operate large family child care homes; providing exceptions; amending s. 1001.24, F.S.; revising the definition of the term "Department of Education direct-support organization"; amending s. 1002.95, F.S.; requiring,

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subject to an appropriation, that the administrator of the Teacher Education and Compensation Helps (TEACH) Scholarship Program administer the Center for Early Childhood Professional Recognition for a specified purpose; amending s. 39.101, F.S.; conforming a cross-reference; requiring the Department of Education, the Florida Lottery, and CareerSource Florida, Inc., to examine the creation of a program to provide child care and early learning options for children from certain families; requiring such entities to submit a report to the Governor and the Legislature by a specified date; specifying requirements for the report; providing an effective date.

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

Section 1. Present subsections (15) through (18) of section 402.302, Florida Statutes, are redesignated as subsections (16) through (19), respectively, a new subsection (15) is added to that section, and subsections (2) and (3) of that section are amended, 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

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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 program
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

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

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117 402.305 Licensing standards; child care facilities.—

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

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

140
141 The department may grant limited exemptions to the minimum
142 standards provided in this subsection which authorize a person
143 to work in a specified role or with a specified population.

144 (7) SANITATION AND SAFETY.—

145 (a) Minimum standards must include requirements for

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146 sanitary and safety conditions, first aid treatment, emergency
147 procedures, and pediatric cardiopulmonary resuscitation. The
148 minimum standards must require that ~~at least~~ one staff person
149 trained in person in cardiopulmonary resuscitation, as evidenced
150 by current documentation of course completion, be present at all
151 times that children are present.

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

154 402.3131 Large family child care homes.-

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

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

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~~requirements of this subsection.~~

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

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

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

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

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

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

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

(c) "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 care home for at least 2 years, with an operator who has held a child development associate credential or its equivalent for at least 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, must be included in the overall capacity of the licensed home. A large family child care home may provide care for one of the following groups of children, which must include any household children under 13 years of age:

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

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

(3) FAMILY ~~CHILD DAY~~ CARE AND LARGE FAMILY CHILD CARE HOMES; COVERAGE.—A residential property insurance policy may ~~shall~~ not provide coverage for liability for claims arising out of, or in connection with, the operation of a family child ~~day~~

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care home or a large family child care home, and the insurer is
not ~~shall be~~ under any ~~no~~ obligation to defend against lawsuits
covering such claims, unless:

(a) Specifically covered in a policy; or

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

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

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

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representative which materially increase any of the risks insured.

Section 5. Paragraph (a) of subsection (1) of section 1001.24, Florida Statutes, is 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, hold, invest, and administer property and to make expenditures to or for the benefit of the early learning programs under parts V and VI of chapter 1002 and public prekindergarten through 12th grade education in this state.

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

Section 6. Present subsection (2) of section 1002.95, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

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

(2) Subject to an appropriation, the administrator of the TEACH Scholarship Program shall also administer the Center for Early Childhood Professional Recognition to ensure alignment of

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291 training statewide to include, but not be limited to, a system
292 of training approval, a system of trainer approval, and
293 implementation of competency-based assessments aligned with the
294 early learning professional development standards and career
295 pathways under s. 1002.995.

296 Section 7. Paragraph (a) of subsection (4) of section
297 39.101, Florida Statutes, is amended to read:

298 39.101 Central abuse hotline.—The central abuse hotline is
299 the first step in the safety assessment and investigation
300 process.

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

303 (a) Information received by the central abuse hotline may
304 not be used for employment screening, except as provided in s.
305 39.202(2)(a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

306 Section 8. The Department of Education, the Florida
307 Lottery, and CareerSource Florida, Inc., shall jointly examine
308 the creation of a program to provide child care and early
309 learning options for children from families employed in
310 occupations that are in demand. The program shall provide
311 vouchers for child care for children between birth and 4 years
312 of age whose parents or grandparents are employed in occupations
313 on the Statewide Demand Occupations List or the Regional Demand
314 Occupations Lists published annually by the Department of
315 Commerce. No later than January 1, 2027, the Department of
316 Education, the Florida Lottery, and CareerSource Florida, Inc.,
317 shall jointly submit a report to the Governor, the President of
318 the Senate, and the Speaker of the House of Representatives
319 which:

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320 (1) Provides an inventory of existing programs that provide
321 child care for children who are from working families.

322 (2) Evaluates whether the child care voucher should be
323 provided in addition to existing programs or when a child is no
324 longer eligible for such programs.

325 (3) Provides legislative recommendations, including, but
326 not limited to:

327 (a) Eligibility criteria, including criteria for
328 prioritization based on targeted occupations and the duration of
329 the child care voucher.

330 (b) A process to apply for and receive a child care
331 voucher.

332 (c) Sources of available funding based on the estimated
333 costs of the program.

334 (d) Other recommendations that support working families.

335 Section 9. This act shall take effect July 1, 2026.