

**By** the Committee on Children, Families, and Elder Affairs; and Senator Calatayud

586-02453-26

20261690c1

A bill to be entitled

An act relating to child care and early learning services; amending s. 402.306, F.S.; revising the information on child care required to be disseminated electronically to the community; amending ss. 402.313 and 402.3131, F.S.; deleting the requirement that family child care homes and large family child care homes, respectively, provide specified information to parents each year; conforming provisions to changes made by the act; amending s. 402.316, F.S.; requiring that certain child care facilities exempt from licensure requirements meet certain minimum requirements; providing that failure to meet such minimum requirements results in the loss of the exemption from licensure; requiring child care facilities exempt from licensure requirements to include a specified statement on its website and in its promotional materials and facility-created documents and forms provided to families served by the child care facility; amending s. 627.70161, F.S.; changing the term "family day care home" to "family child care home"; providing legislative findings and 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

586-02453-26

20261690c1

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; reenacting and amending s. 1001.24, F.S.; revising the definition of the term "Department of Education direct-support organization"; creating s. 1002.821, F.S.; providing a short title; defining terms; providing legislative intent; establishing the Florida Endowment for Early Learning Foundation within a Department of Education direct-support organization for a specified purpose; requiring that the endowment fund principal derive from specified sources; requiring the board of directors to establish and deposit money into the operating account; requiring such money to be used for a specified purpose; requiring that funds from state sources be accounted for separately from public and private sources; specifying powers and duties of the board of directors; requiring the board to use the moneys in the operating account for specified purposes; providing for early learning provider selection, copay pricing, reimbursement, and administrative requirements; prohibiting state funds from being spent in certain donors or supporters; requiring the Division of Early Learning to include specified information in its annual report of its activities; requiring the Department of Education to

586-02453-26

20261690c1

59       adopt rules; amending s. 1002.95, F.S.; requiring the  
60       administrator of the Teacher Education and  
61       Compensation Helps Scholarship Program, subject to an  
62       appropriation, to establish and administer the Center  
63       for Early Childhood Professional Recognition for a  
64       specified purpose; amending ss. 39.202, 125.0109,  
65       166.0445, 212.08, 402.302, 402.305, 402.309, 402.310,  
66       402.3115, 402.312, 402.315, 402.316, 402.318, 402.319,  
67       409.988, 411.203, 1002.55, 1002.82, 1002.83, 1002.84,  
68       1002.88, 1002.895, 1002.92, 1002.93, and 1002.945,  
69       F.S.; conforming provisions to changes made by the  
70       act; providing an effective date.

71  
72       Be It Enacted by the Legislature of the State of Florida:

73  
74       Section 1. Subsection (3) of section 402.306, Florida  
75       Statutes, is amended to read:

76       402.306 Designation of licensing agency; dissemination by  
77       the department and local licensing agency of information on  
78       child care.—

79       (3) The department and local licensing agencies, or the  
80       designees thereof, shall be responsible for coordination and  
81       dissemination of information on child care to the community and  
82       shall make available through electronic means all licensing  
83       standards and procedures, health and safety standards for school  
84       readiness providers, monitoring and inspection reports, and the  
85       names and addresses of ~~licensed~~ child care facilities, school  
86       readiness program providers, and, where applicable pursuant to  
87       s. 402.313, licensed or registered family child day care homes.

586-02453-26

20261690c1

88 This information shall also include the number of deaths,  
89 serious injuries, and instances of substantiated child abuse  
90 that have occurred in child care settings, including those which  
91 are exempt pursuant to s. 402.316(1) or (2), each year; research  
92 and best practices in child development; and resources regarding  
93 social-emotional development, parent and family engagement,  
94 healthy eating, and physical activity.

95 Section 2. Section 402.313, Florida Statutes, is amended to  
96 read:

97 402.313 Family child day care homes.—

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

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

106 1. The name and address of the home.

107 2. The name of the operator.

108 3. The number of children served.

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

113 5. Proof of screening and background checks.

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

586-02453-26

20261690c1

117       a. State and local rules and regulations that govern child  
118 care.

119       b. Health, safety, and nutrition.

120       c. Identifying and reporting child abuse and neglect.

121       d. Child development, including typical and atypical  
122 language development; and cognitive, motor, social, and self-  
123 help skills development.

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

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

131       7. Proof that immunization records are kept current.

132       8. Proof of completion of the required continuing education  
133 units or clock hours.

134       (b) A family child day care home may volunteer to be  
135 licensed under this act.

136       (c) The department may provide technical assistance to  
137 counties and family child day care home providers to enable  
138 counties and family child day care providers to achieve  
139 compliance with family child day care homes standards.

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

143       (3) Child care personnel in family child day care homes  
144 shall be subject to the applicable screening provisions  
145 contained in ss. 402.305(2) and 402.3055. For purposes of

586-02453-26

20261690c1

146 screening in family child day care homes, the term includes any  
147 member over the age of 12 years of a family child day care home  
148 operator's family, or persons over the age of 12 years residing  
149 with the operator in the family child day care home. Members of  
150 the operator's family, or persons residing with the operator,  
151 who are between the ages of 12 years and 18 years shall not be  
152 required to be fingerprinted, but shall be screened for  
153 delinquency records.

154 (4) Operators of family child day care homes must  
155 successfully complete an approved 30-clock-hour introductory  
156 course in child care, as evidenced by passage of a competency  
157 examination, before caring for children.

158 (5) In order to further develop their child care skills  
159 and, if appropriate, their administrative skills, operators of  
160 family child day care homes shall be required to complete an  
161 additional 1 continuing education unit of approved training or  
162 10 clock hours of equivalent training, as determined by the  
163 department, annually.

164 (6) Operators of family child day care homes shall be  
165 required to complete 0.5 continuing education unit of approved  
166 training in early literacy and language development of children  
167 from birth to 5 years of age one time. The year that this  
168 training is completed, it shall fulfill the 0.5 continuing  
169 education unit or 5 clock hours of the annual training required  
170 in subsection (5).

171 (7) Operators of family child day care homes shall be  
172 required annually to complete a health and safety home  
173 inspection self-evaluation checklist developed by the department  
174 in conjunction with the statewide resource and referral program.

586-02453-26

20261690c1

175 The completed checklist shall be signed by the operator of the  
176 family child day care home and provided to parents as  
177 certification that basic health and safety standards are being  
178 met.

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

181 (9) The department shall prepare a brochure on family child  
182 day care for distribution by the department and by local  
183 licensing agencies, if appropriate, to family child day care  
184 homes for distribution to parents utilizing such child care, and  
185 to all interested persons, including physicians and other health  
186 professionals; mental health professionals; school teachers or  
187 other school personnel; social workers or other professional  
188 child care, foster care, residential, or institutional workers;  
189 and law enforcement officers. The brochure shall, at a minimum,  
190 contain the following information:

191 (a) A brief description of the requirements for family  
192 child day care registration, training, and fingerprinting and  
193 screening.

194 (b) A listing of those counties that require licensure of  
195 family child day care homes. Such counties shall provide an  
196 addendum to the brochure that provides a brief description of  
197 the licensure requirements or may provide a brochure in lieu of  
198 the one described in this subsection, provided it contains all  
199 the required information on licensure and the required  
200 information in the subsequent paragraphs.

201 (c) A statement indicating that information about the  
202 family child day care home's compliance with applicable state or  
203 local requirements can be obtained by telephoning the department

586-02453-26

20261690c1

204 office or the office of the local licensing agency, if  
205 appropriate, at a telephone number or numbers which shall be  
206 affixed to the brochure.

207 (d) The statewide toll-free telephone number of the central  
208 abuse hotline, together with a notice that reports of suspected  
209 and actual child physical abuse, sexual abuse, and neglect are  
210 received and referred for investigation by the hotline.

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

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

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

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

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

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

230  
231 The evaluation shall be utilized by the department in any  
232 administrative modifications or adjustments to be made in the

586-02453-26

20261690c1

233 registration of family child day care homes or in any  
234 legislative requests for modifications to the system of  
235 registration or to other requirements for family child day care  
236 homes.

237 (11) In order to inform the public of the state requirement  
238 for registration of family child day care homes as well as the  
239 other requirements for such homes to legally operate in the  
240 state, the department shall institute a media campaign to  
241 accomplish this end. Such a campaign shall include, at a  
242 minimum, flyers, newspaper advertisements, radio advertisements,  
243 and television advertisements.

244 (12) Notwithstanding any other state or local law or  
245 ordinance, any family child day care home licensed pursuant to  
246 this chapter or pursuant to a county ordinance shall be charged  
247 the utility rates accorded to a residential home. A licensed  
248 family child day care home may not be charged commercial utility  
249 rates.

250 (13) The department shall, by rule, establish minimum  
251 standards for family child day care homes that are required to  
252 be licensed by county licensing ordinance or county licensing  
253 resolution or that voluntarily choose to be licensed. The  
254 standards should include requirements for staffing, training,  
255 maintenance of immunization records, minimum health and safety  
256 standards, reduced standards for the regulation of child care  
257 during evening hours by municipalities and counties, and  
258 enforcement of standards.

259 ~~(14) During the months of August and September of each~~  
260 ~~year, each family day care home shall provide parents of~~  
261 ~~children enrolled in the home detailed information regarding the~~

586-02453-26

20261690c1

262 ~~causes, symptoms, and transmission of the influenza virus in an~~  
263 ~~effort to educate those parents regarding the importance of~~  
264 ~~immunizing their children against influenza as recommended by~~  
265 ~~the Advisory Committee on Immunization Practices of the Centers~~  
266 ~~for Disease Control and Prevention.~~

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

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

282 402.3131 Large family child care homes.—

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

586-02453-26

20261690c1

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

304       Section 4. Section 402.316, Florida Statutes, is amended to  
305 read:

306       402.316 Exemptions.—

307       (1) The provisions of ss. 402.301-402.319, except for the  
308 requirements regarding screening of child care personnel  
309 pursuant to ss. 402.305 and 402.3055, do not apply to a child  
310 care facility which is an integral part of church or parochial  
311 schools, or a child care facility that solely provides child  
312 care to eligible children as defined in s. 402.261(1)(c),  
313 conducting regularly scheduled classes, courses of study, or  
314 educational programs accredited by, or by a member of, an  
315 organization that which publishes and requires compliance with  
316 its standards for health, safety, and sanitation. However, Such  
317 facilities must shall meet minimum requirements of the  
318 applicable local governing body as to health, sanitation, and  
319 safety and shall meet the screening requirements pursuant to ss.

586-02453-26

20261690c1

320 ~~402.305 and 402.3055~~. Failure by a facility to comply with ~~such~~  
321 screening requirements pursuant to ss. 402.305 and 402.3055  
322 shall result in the loss of the facility's exemption from  
323 licensure.

324 (2) The provisions of ss. 402.301-402.319, except for the  
325 requirements regarding screening of child care personnel  
326 pursuant to ss. 402.305 and 402.3055, do not apply to a child  
327 care facility that solely provides child care to eligible  
328 children as defined in s. 402.261(1)(c). Such facilities must  
329 meet minimum requirements of the applicable local governing body  
330 as to health, sanitation, and safety. Failure by a facility to  
331 comply with screening requirements pursuant to ss. 402.305 and  
332 402.3055 shall result in the loss of the facility's exemption  
333 from licensure.

334 (3) (2) The provisions of ss. 402.301-402.319 do not apply  
335 to a child care facility or family child day care home if the  
336 child care facility or family child day care home has a  
337 certificate issued by the United States Department of Defense or  
338 by the United States Coast Guard to provide child care and has  
339 completed background screening by the United States Department  
340 of Defense pursuant to 34 U.S.C. s. 20351 and 32 C.F.R. part 86  
341 and received a favorable suitability and fitness determination.  
342 If the child care facility or family child day care home elects  
343 to serve children ineligible for care under the United States  
344 Department of Defense Instruction 6060.02, the child care  
345 facility or family child day care home must be licensed under  
346 this chapter.

347 (4) (3) Any child care facility covered by the exemption  
348 under subsection (1) or subsection (2) which desires to be

586-02453-26

20261690c1

349 licensed may submit an application to the department or local  
350 licensing agency pursuant to s. 402.308(4).

351 (5)(4) The department and the local licensing agency  
352 pursuant to s. 402.308(4) shall adopt rules to administer and  
353 implement this section, including, but not limited to, any  
354 assessments of previous licensure history.

355 (6) A child care facility exempt under subsection (1) or  
356 subsection (2) must include, at a minimum, the following  
357 statement on its website, in its promotional materials, and on  
358 its facility-created documents and forms provided to families  
359 served by the child care facility: "(Child care facility name)  
360 is a child care facility operating under an exemption pursuant  
361 to the laws of the State of Florida and is not subject to  
362 licensure or regulation by the Department of Children and  
363 Families."

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

366 627.70161 Family child day care and large family child care  
367 insurance.—

368 (1) PURPOSE AND INTENT.—The Legislature recognizes that  
369 family child day care and large family child care homes fulfill  
370 a vital role in providing child care in Florida. It is the  
371 intent of the Legislature that residential property insurance  
372 coverage should not be canceled, denied, or nonrenewed solely on  
373 the basis of the child family day care services at the  
374 residence. The Legislature also recognizes that the potential  
375 liability of residential property insurers is substantially  
376 increased by the rendition of child care services on the  
377 premises. The Legislature therefore finds that there is a public

586-02453-26

20261690c1

378 need to specify that contractual liabilities that arise in  
379 connection with the operation of the family child day care home  
380 or the large family child care home are excluded from  
381 residential property insurance policies unless they are  
382 specifically included in such coverage.

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

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

390 (b) "Family child day care home" means an occupied  
391 residence in which child care is regularly provided for children  
392 from at least two unrelated families and which receives a  
393 payment, fee, or grant for any of the children receiving care,  
394 whether or not operated for a profit.

395 (c) "Large family child care home" means an occupied  
396 residence in which child care is regularly provided for children  
397 from at least two unrelated families; which receives a payment,  
398 fee, or grant for any of the children receiving care, whether or  
399 not operated for profit; and which has at least two full-time  
400 child care personnel on the premises during the hours of  
401 operation. One of the two full-time child care personnel must be  
402 the owner or occupant of the residence. A large family child  
403 care home must first have operated as a licensed family child  
404 care home for at least 2 years, with an operator who has held a  
405 child development associate credential or its equivalent for at  
406 least 1 year, before seeking licensure as a large family child

586-02453-26

20261690c1

407 care home. Household children under 13 years of age, when on the  
408 premises of the large family child care home or on a field trip  
409 with children enrolled in child care, must be included in the  
410 overall capacity of the licensed home. A large family child care  
411 home may provide care for one of the following groups of  
412 children, which must include household children under 13 years  
413 of age:

414 1. A maximum of 8 children from birth to 24 months of age.  
415 2. A maximum of 12 children, with no more than 4 children  
416 under 24 months of age.

417 (3) FAMILY CHILD DAY CARE AND LARGE FAMILY CHILD CARE  
418 HOMES; COVERAGE.—A residential property insurance policy may  
419 shall not provide coverage for liability for claims arising out  
420 of, or in connection with, the operation of a family child day  
421 care home or a large family child care home, and the insurer  
422 shall be under no obligation to defend against lawsuits covering  
423 such claims, unless:

424 (a) Specifically covered in a policy; or  
425 (b) Covered by a rider or endorsement for business coverage  
426 attached to a policy.

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

586-02453-26

20261690c1

436       (a) The policyholder or applicant provides care for more  
437 children than authorized ~~for family day care homes~~ by s.  
438 402.302;

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

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

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

452       Section 6. Section 1001.24, Florida Statutes, is reenacted  
453 and amended to read:

454       1001.24 Direct-support organization; use of property; board  
455 of directors; audit.—

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

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

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

463       2. That is organized and operated exclusively to receive,  
464 hold, invest, and administer property and to make expenditures

586-02453-26

20261690c1

465 to or for the benefit of the state's early learning programs for  
466 children from birth to 5 years of age and public prekindergarten  
467 through 12th grade education in this state.

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

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

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

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

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

482 (c) Shall not permit the use of property, facilities, or  
483 personal services of the direct-support organization if such  
484 organization does not provide equal employment opportunities to  
485 all persons, regardless of race, color, national origin, gender,  
486 age, or religion.

487 (3) BOARD OF DIRECTORS.—The board of directors of the  
488 department direct-support organization shall be appointed by the  
489 commissioner and shall include representation from business,  
490 industry, and other components of Florida's economy.

491 (4) ANNUAL AUDIT.—Each direct-support organization shall  
492 provide for an annual financial audit in accordance with s.  
493 215.981. The identity of donors who desire to remain anonymous

586-02453-26

20261690c1

494 shall be protected, and that anonymity shall be maintained in  
495 the auditor's report. All records of the organization other than  
496 the auditor's report, management letter, and any supplemental  
497 data requested by the Auditor General and the Office of Program  
498 Policy Analysis and Government Accountability shall be  
499 confidential and exempt from the provisions of s. 119.07(1).

500 Section 7. Section 1002.821, Florida Statutes, is created  
501 to read:

502 1002.821 Florida Endowment for Early Learning.—

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

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

506 (a) "Board" means the board of directors of the Department  
507 of Education direct-support organization under s. 1001.24.

508 (b) "Endowment fund" means an account established within  
509 the Department of Education direct-support organization for the  
510 Division of Early Learning within the department to provide a  
511 continuing and growing source of revenue for the state's early  
512 learning efforts.

513 (c) "Foundation" means the Department of Education direct-  
514 support organization under s. 1001.24.

515 (d) "Operating account" means an account established under  
516 paragraph (4)(c) to carry out the purposes provided in  
517 subsection (6).

518 (3) LEGISLATIVE INTENT.—The Legislature recognizes that  
519 access to high-quality early learning experiences prepares  
520 children for a lifetime of success by fostering foundational  
521 skills in academics, developing executive functioning skills,  
522 and supporting cognitive function. This includes better

586-02453-26

20261690c1

523 preparation for kindergarten, stronger cognitive and problem-  
524 solving abilities, and improved approaches to learning, which  
525 all contribute to greater long-term educational attainment and  
526 career success. However, there is a critical need for  
527 significant additional funding to achieve this goal.

528 Accordingly, the Legislature further finds and declares that:

529 (a) With continued support, this state's youngest residents  
530 can have access to high-quality early learning opportunities  
531 that reduce the need for significant long-term educational  
532 interventions and provide the foundational experiences needed  
533 for a child to have success in school and in life.

534 (b) The purpose of this section is to broaden the  
535 participation and funding potential for further significant  
536 support for access to early-learning opportunities for this  
537 state's youngest learners.

538 (c) It is appropriate to encourage individual and corporate  
539 support and involvement, as well as state support and  
540 involvement, to promote access to early learning programs for  
541 this state's youngest residents.

542 (4) REVENUE FOR THE ENDOWMENT FUND.—

543 (a) The Florida Endowment for Early Learning is established  
544 within the Department of Education direct-support organization  
545 under s. 1001.24 to create a long-term, stable, and growing  
546 source of revenue to be administered, in accordance with rules  
547 adopted by the department.

548 (b) The principal of the endowment fund shall derive from  
549 any legislative appropriations that may be made to the  
550 endowment, and such bequests, gifts, grants, and donations as  
551 may be solicited for such purpose by the foundation from public

586-02453-26

20261690c1

552 or private sources.553 (c) The board of directors of the foundation shall  
554 establish the operating account and shall deposit therein the  
555 moneys transmitted. Moneys in the operating account shall be  
556 available to carry out the purposes of subsection (6).557 (d) Funds received from state sources shall be accounted  
558 for separately from bequests, gifts, grants, and donations,  
559 which may be solicited for such purposes by the foundation from  
560 public or private sources. Earnings on funds received from state  
561 sources and funds received from public or private sources shall  
562 be accounted for separately.563 (5) ORGANIZATION, POWERS, AND DUTIES.—Within the limits  
564 prescribed in this section or by rule of the department:565 (a) The board may solicit and receive bequests, gifts,  
566 grants, donations, goods, and services. Where gifts are  
567 restricted as to purpose, they may be used only for the purpose  
568 or purposes stated by the donor. The board may transmit monetary  
569 gifts to the State Board of Administration for deposit in the  
570 endowment fund principal.571 (b) The board may enter into contracts with the Federal  
572 Government, state or local agencies, early learning coalitions,  
573 private entities, or individuals to carry out the purposes of  
574 this section.575 (c) The board may identify, initiate, and fund new and  
576 creative programs to carry out the purposes of this section,  
577 utilizing existing organizations, early learning coalitions,  
578 associations, and agencies to carry out such early learning  
579 programs and purposes wherever possible.580 (d) The board may make gifts or grants to all of the

586-02453-26

20261690c1

581 following:582 1. The state or any political subdivision thereof, or any  
583 public agency of state or local government.584 2. An early learning coalition for administration of direct  
585 services to children identified by the board.586 3. The division for purposes of program recognition and  
587 marketing, public relations, and education.588 (e) The board may advertise and solicit applications for  
589 funding and shall evaluate applications and program proposals  
590 submitted thereto. Funding shall be awarded only where the  
591 evaluation is positive and the proposal meets both the  
592 guidelines for use established in subsection (6) and such  
593 evaluation criteria as the department may prescribe by rule.594 (f) The board shall monitor, review, and annually evaluate  
595 funded programs to determine whether funding should be  
596 continued, terminated, reduced, or increased.597 (g) The board shall establish an operating account as  
598 provided in paragraph (4)(c).599 (h) The board may take additional actions, including the  
600 hiring of necessary staff, as are deemed necessary and  
601 appropriate to administer this section, subject to rules of the  
602 department.603 (6) DISTRIBUTION OF MONEY.—The board shall use the moneys  
604 in the operating account to provide for:605 (a) Direct services to children in accordance with an  
606 allocation methodology proposed by the Division of Early  
607 Learning to an early learning coalition approved by the board.608 1. A child receiving direct services from an early learning  
609 coalition shall choose from providers under a contract with an

586-02453-26

20261690c1

610 early learning coalition pursuant to s. 1002.88.

611 2. Unless otherwise specified by the donor, the early  
612 learning coalition shall apply a parent copay based on family  
613 income pursuant to s. 1002.84(9) or s. 1002.935(2)(b).

614 3. The early learning coalition shall reimburse a provider  
615 serving a child using direct service funds from the early  
616 learning endowment at the same reimbursement rate allowed  
617 pursuant to s. 1002.84(17)(a).

618 4. Each early learning coalition providing direct services  
619 must comply with the same administrative requirements under this  
620 part.

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

623

624 Any allocation of funds made for programs pursuant to paragraph  
625 (b) or for advertising or consulting is subject to a competitive  
626 solicitation process. State funds may not be used to fund events  
627 for private sector donors or potential donors or to honor  
628 supporters.

629 (7) ANNUAL REPORT.—The Division of Early Learning shall  
630 include information in its report of activities pursuant to s.  
631 1002.82(7) summarizing the performance of the endowment fund for  
632 the previous fiscal year, summarizing the foundation's  
633 fundraising activities and performance, and detailing the  
634 activities and programs supported by the endowment principal or  
635 earnings on the endowment principal and the activities and  
636 programs supported by private sources, bequests, gifts, grants,  
637 donations, and other valued goods and services received. The  
638 report must also include all of the following:

586-02453-26

20261690c1

639        (a) Financial data, by service type, including expenditures  
640        for administration and the provision of services by each early  
641        learning coalition.

642        (b) The amount of funds spent on administrative expenses  
643        and fundraising and the amount of funds raised from private  
644        sources.

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

647        (8) RULES.—The department shall adopt rules to implement  
648        this section.

649        Section 8. Present subsection (2) of section 1002.95,  
650        Florida Statutes, is redesignated as subsection (3), and a new  
651        subsection (2) is added to that section, to read:

652        1002.95 Teacher Education and Compensation Helps (TEACH)  
653        Scholarship Program.—

654        (2) Subject to an appropriation, the TEACH Scholarship  
655        Program administrator shall also establish and administer the  
656        Center for Early Childhood Professional Recognition to ensure  
657        alignment of training statewide, including, but not limited to,  
658        a system of training approval, a system of trainer approval, and  
659        implementation of competency-based assessments aligned to the  
660        early learning professional development standards and career  
661        pathways under s. 1002.995.

662        Section 9. Paragraph (a) of subsection (2) of section  
663        39.202, Florida Statutes, is amended to read:

664        39.202 Confidentiality of reports and records in cases of  
665        child abuse or neglect; exception.—

666        (2) Except as provided in subsection (4), access to such  
667        records, excluding the name of, or other identifying information

586-02453-26

20261690c1

668 with respect to, the reporter which may only be released as  
669 provided in subsection (5), may only be granted to the following  
670 persons, officials, and agencies:

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

676 1. Child or adult protective investigations;  
677 2. Ongoing child or adult protective services;  
678 3. Early intervention and prevention services;  
679 4. Healthy Start services;  
680 5. Licensure or approval of adoptive homes, foster homes,  
681 child care facilities, facilities licensed under chapters 393  
682 and 394, family child day care homes, providers who receive  
683 school readiness funding under part VI of chapter 1002, or other  
684 homes used to provide for the care and welfare of children;

685 6. Employment screening for caregivers in residential group  
686 homes and facilities licensed under chapters 393, 394, and 409;  
687 or

688 7. Services for victims of domestic violence when provided  
689 by certified domestic violence centers working at the  
690 department's request as case consultants or with shared clients.

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

694 Section 10. Section 125.0109, Florida Statutes, is amended  
695 to read:

586-02453-26

20261690c1

697        125.0109 Family child day care homes; local zoning  
698 regulation.—The operation of a residence as a family child day  
699 care home, as defined by law, registered or licensed with the  
700 Department of Children and Families shall constitute a valid  
701 residential use for purposes of any local zoning regulations,  
702 and no such regulation shall require the owner or operator of  
703 such family child day care home to obtain any special exemption  
704 or use permit or waiver, or to pay any special fee in excess of  
705 \$50, to operate in an area zoned for residential use.

706        Section 11. Section 166.0445, Florida Statutes, is amended  
707 to read:

708        166.0445 Family child day care homes; local zoning  
709 regulation.—The operation of a residence as a family child day  
710 care home, as defined by law, registered or licensed with the  
711 Department of Children and Families shall constitute a valid  
712 residential use for purposes of any local zoning regulations,  
713 and no such regulation shall require the owner or operator of  
714 such family child day care home to obtain any special exemption  
715 or use permit or waiver, or to pay any special fee in excess of  
716 \$50, to operate in an area zoned for residential use.

717        Section 12. Paragraph (j) of subsection (7) of section  
718 212.08, Florida Statutes, is amended to read:

719        212.08 Sales, rental, use, consumption, distribution, and  
720 storage tax; specified exemptions.—The sale at retail, the  
721 rental, the use, the consumption, the distribution, and the  
722 storage to be used or consumed in this state of the following  
723 are hereby specifically exempt from the tax imposed by this  
724 chapter.

725        (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any

586-02453-26

20261690c1

726 entity by this chapter do not inure to any transaction that is  
727 otherwise taxable under this chapter when payment is made by a  
728 representative or employee of the entity by any means,  
729 including, but not limited to, cash, check, or credit card, even  
730 when that representative or employee is subsequently reimbursed  
731 by the entity. In addition, exemptions provided to any entity by  
732 this subsection do not inure to any transaction that is  
733 otherwise taxable under this chapter unless the entity has  
734 obtained a sales tax exemption certificate from the department  
735 or the entity obtains or provides other documentation as  
736 required by the department. Eligible purchases or leases made  
737 with such a certificate must be in strict compliance with this  
738 subsection and departmental rules, and any person who makes an  
739 exempt purchase with a certificate that is not in strict  
740 compliance with this subsection and the rules is liable for and  
741 shall pay the tax. The department may adopt rules to administer  
742 this subsection.

743 (j) *Household fuels.*—Also exempt from payment of the tax  
744 imposed by this chapter are sales of utilities to residential  
745 households or owners of residential models in this state by  
746 utility companies who pay the gross receipts tax imposed under  
747 s. 203.01, and sales of fuel to residential households or owners  
748 of residential models, including oil, kerosene, liquefied  
749 petroleum gas, coal, wood, and other fuel products used in the  
750 household or residential model for the purposes of heating,  
751 cooking, lighting, and refrigeration, regardless of whether such  
752 sales of utilities and fuels are separately metered and billed  
753 direct to the residents or are metered and billed to the  
754 landlord. If any part of the utility or fuel is used for a

586-02453-26

20261690c1

755 nonexempt purpose, the entire sale is taxable. The landlord  
756 shall provide a separate meter for nonexempt utility or fuel  
757 consumption. For the purposes of this paragraph, licensed family  
758 child day care homes shall also be exempt.

759 Section 13. Subsections (3), (8), (9), and (11) of section  
760 402.302, Florida Statutes, are amended to read:

761 402.302 Definitions.—As used in this chapter, the term:

762 (3) "Child care personnel" means all owners, operators,  
763 employees, and volunteers working in a child care facility. The  
764 term does not include persons who work in a child care facility  
765 after hours when children are not present or parents of children  
766 in a child care facility. For purposes of screening, the term  
767 includes any member, over the age of 12 years, of a child care  
768 facility operator's family, or person, over the age of 12 years,  
769 residing with a child care facility operator if the child care  
770 facility is located in or adjacent to the home of the operator  
771 or if the family member of, or person residing with, the child  
772 care facility operator has any direct contact with the children  
773 in the facility during its hours of operation. Members of the  
774 operator's family or persons residing with the operator who are  
775 between the ages of 12 years and 18 years are not required to be  
776 fingerprinted but must be screened for delinquency records. For  
777 purposes of screening, the term also includes persons who work  
778 in child care programs that provide care for children 15 hours  
779 or more each week in public or nonpublic schools, family child  
780 day care homes, membership organizations under s. 402.301, or  
781 programs otherwise exempted under s. 402.316. The term does not  
782 include public or nonpublic school personnel who are providing  
783 care during regular school hours, or after hours for activities

586-02453-26

20261690c1

784 related to a school's program for grades kindergarten through  
785 12. A volunteer who assists on an intermittent basis for less  
786 than 10 hours per month is not included in the term "personnel"  
787 for the purposes of screening and training if a person who meets  
788 the screening requirement of s. 402.305(2) is always present and  
789 has the volunteer in his or her line of sight. Students who  
790 observe and participate in a child care facility as a part of  
791 their required coursework are not considered child care  
792 personnel, provided such observation and participation are on an  
793 intermittent basis and a person who meets the screening  
794 requirement of s. 402.305(2) is always present and has the  
795 student in his or her line of sight.

796 (8) "Family child ~~day~~ care home" means an occupied  
797 residence in which child care is regularly provided for children  
798 from at least two unrelated families and which receives a  
799 payment, fee, or grant for any of the children receiving care,  
800 whether or not operated for profit. Household children under 13  
801 years of age, when on the premises of the family child ~~day~~ care  
802 home or on a field trip with children enrolled in child care,  
803 shall be included in the overall capacity of the licensed home.  
804 A family child ~~day~~ care home shall be allowed to provide care  
805 for one of the following groups of children, which shall include  
806 household children under 13 years of age:

807 (a) A maximum of four children from birth to 12 months of  
808 age.

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

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

586-02453-26

20261690c1

(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

586-02453-26

20261690c1

842 groups of children, which shall include household children under  
843 13 years of age:

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

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

847 Section 14. Paragraph (a) of subsection (17) of section  
848 402.305, Florida Statutes, are amended to read:

849 402.305 Licensing standards; child care facilities.—

850 (17) TRANSFER OF OWNERSHIP.—

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

855 Section 15. Subsections (1), (2), and (3) of section  
856 402.309, Florida Statutes, are amended to read:

857 402.309 Provisional license or registration.—

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

866 (2) A provisional license or registration may not be issued  
867 unless the operator or owner makes adequate provisions for the  
868 health and safety of the child. A provisional license may be  
869 issued for a child care facility if all of the screening  
870 materials have been timely submitted. A provisional license or

586-02453-26

20261690c1

871 registration may not be issued unless the child care facility,  
872 family child day care home, or large family child care home is  
873 in compliance with the requirements for screening of child care  
874 personnel in ss. 402.305, 402.3055, 402.313, and 402.3131,  
875 respectively.

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

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

883 (b) Has made adequate provisions for the health and safety  
884 of the child; and

885 (c) Provides evidence that he or she has completed, within  
886 the previous 6 months, training pursuant to United States  
887 Department of Defense Instruction 6060.02 and background  
888 screening by the United States Department of Defense pursuant to  
889 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and received a  
890 favorable suitability and fitness determination.

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

893 402.310 Disciplinary actions; hearings upon denial,  
894 suspension, or revocation of license or registration;  
895 administrative fines.—

896 (1)

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

586-02453-26

20261690c1

900 care homes.

901       (4) An applicant, registrant, or licensee shall have the  
902 right to appeal a decision of the local licensing agency to a  
903 representative of the department. Any required hearing shall be  
904 held in the county in which the child care facility, family  
905 child day care home, or large family child care home is being  
906 operated or is to be established. The hearing shall be conducted  
907 in accordance with the provisions of chapter 120.

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

910       402.3115 Elimination of duplicative and unnecessary  
911 inspections; abbreviated inspections.—

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

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

- 922       1. Have been licensed for at least 2 consecutive years.
- 923       2. Have not had a Class 1 deficiency, as defined by rule,  
924 for at least 2 consecutive years.
- 925       3. Have not had more than three of the same Class 2  
926 deficiencies, as defined by rule, for at least 2 consecutive  
927 years.
- 928       4. Have received at least two full onsite renewal

586-02453-26

20261690c1

929 inspections in the most recent 2 years.

930 5. Do not have any current uncorrected violations.

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

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

935 402.312 License required; injunctive relief.—

936 (1) The operation of a child care facility without a  
937 license, a family child ~~day~~ care home without a license or  
938 registration, or a large family child care home without a  
939 license is prohibited. If the department or the local licensing  
940 agency discovers that a child care facility is being operated  
941 without a license, a family child ~~day~~ care home is being  
942 operated without a license or registration, or a large family  
943 child care home is being operated without a license, the  
944 department or local licensing agency is authorized to seek an  
945 injunction in the circuit court where the facility is located to  
946 enjoin continued operation of such facility, family child ~~day~~  
947 care home, or large family child care home. When the court is  
948 closed for the transaction of judicial business, the department  
949 or local licensing agency is authorized to seek an emergency  
950 injunction to enjoin continued operation of such unlicensed  
951 facility, unregistered or unlicensed family child ~~day~~ care home,  
952 or unlicensed large family child care home, which injunction  
953 shall be continued, modified, or revoked on the next day of  
954 judicial business.

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

586-02453-26

20261690c1

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

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

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

968       (3) The department or local licensing agency may impose an  
969 administrative fine on any child care facility, family child day  
970 care home, or large family child care home operating without a  
971 license or registration, consistent with ~~the provisions of s.~~  
972 402.310.

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

975       402.315 Funding; license fees.—

976       (3) The department shall collect a fee for any license it  
977 issues for a child care facility, family child day care home, or  
978 large family child care home pursuant to ss. 402.305, 402.313,  
979 and 402.3131.

980       (a) For a child care facility licensed pursuant to s.  
981 402.305, such fee shall be \$1 per child, based on the licensed  
982 capacity of the facility, except that the minimum fee shall be  
983 \$25 per facility and the maximum fee shall be \$100 per facility.

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

986       (c) For a family child day care home licensed pursuant to

586-02453-26

20261690c1

987 s. 402.313, such fee shall be \$50.

988 (d) For a large family child care home licensed pursuant to  
989 s. 402.3131, such fee shall be \$60.990 Section 20. Subsection (2) of section 402.316, Florida  
991 Statutes, is amended to read:

992 402.316 Exemptions.—

993 (2) The provisions of ss. 402.301-402.319 do not apply to a  
994 child care facility or family child day care home if the child  
995 care facility or family child day care home has a certificate  
996 issued by the United States Department of Defense or by the  
997 United States Coast Guard to provide child care and has  
998 completed background screening by the United States Department  
999 of Defense pursuant to 34 U.S.C. s. 20351 and 32 C.F.R. part 86  
1000 and received a favorable suitability and fitness determination.  
1001 If the child care facility or family child day care home elects  
1002 to serve children ineligible for care under the United States  
1003 Department of Defense Instruction 6060.02, the child care  
1004 facility or family child day care home must be licensed under  
1005 this chapter.1006 Section 21. Section 402.318, Florida Statutes, is amended  
1007 to read:1008 402.318 Advertisement.—A person, as defined in s. 1.01(3),  
1009 may not advertise a child care facility, family child day care  
1010 home, or large family child care home without including within  
1011 such advertisement the state or local agency license number or  
1012 registration number of such facility or home. Violation of this  
1013 section is a misdemeanor of the first degree, punishable as  
1014 provided in s. 775.082 or s. 775.083.

1015 Section 22. Section 402.319, Florida Statutes, is amended

586-02453-26

20261690c1

1016 to read:

1017 402.319 Penalties.—

1018 (1) It is a misdemeanor of the first degree, punishable as  
1019 provided in s. 775.082 or s. 775.083, for any person knowingly  
1020 to:1021 (a) Fail, by false statement, misrepresentation,  
1022 impersonation, or other fraudulent means, to disclose in any  
1023 application for voluntary or paid employment or licensure  
1024 regulated under ss. 402.301-402.318 all information required  
1025 under those sections or a material fact used in making a  
1026 determination as to such person's qualifications to be child  
1027 care personnel, as defined in s. 402.302, in a child care  
1028 facility, family child day care home, or other child care  
1029 program.1030 (b) Operate or attempt to operate a child care facility  
1031 without having procured a license as required by this act.1032 (c) Operate or attempt to operate a family child day care  
1033 home without a license or without registering with the  
1034 department, whichever is applicable.1035 (d) Operate or attempt to operate a child care facility or  
1036 family child day care home under a license that is suspended,  
1037 revoked, or terminated.1038 (e) Misrepresent, by act or omission, a child care facility  
1039 or family child day care home to be duly licensed pursuant to  
1040 this act without being so licensed.1041 (f) Make any other misrepresentation, by act or omission,  
1042 regarding the licensure or operation of a child care facility or  
1043 family child day care home to a parent or guardian who has a  
1044 child placed in the facility or is inquiring as to placing a

586-02453-26

20261690c1

1045 child in the facility, or to a representative of the licensing  
1046 authority, or to a representative of a law enforcement agency,  
1047 including, but not limited to, any misrepresentation as to:

1048 1. The number of children at the child care facility or the  
1049 family child day care home;

1050 2. The part of the child care facility or family child day  
1051 care home designated for child care;

1052 3. The qualifications or credentials of child care  
1053 personnel;

1054 4. Whether a family child day care home or child care  
1055 facility complies with the screening requirements of s. 402.305;  
1056 or

1057 5. Whether child care personnel have the training as  
1058 required by s. 402.305.

1059 (2) If any child care personnel makes any misrepresentation  
1060 in violation of this section to a parent or guardian who has  
1061 placed a child in the child care facility or family child day  
1062 care home, and the parent or guardian relied upon the  
1063 misrepresentation, and the child suffers great bodily harm,  
1064 permanent disfigurement, permanent disability, or death as a  
1065 result of an intentional act or negligence by the child care  
1066 personnel, then the child care personnel commits a felony of the  
1067 second degree, punishable as provided in s. 775.082, s. 775.083,  
1068 or s. 775.084.

1069 (3) Each child care facility, family child day care home,  
1070 and large family child care home shall annually submit an  
1071 affidavit of compliance with s. 39.201.

1072 Section 23. Paragraph (c) of subsection (2) of section  
1073 409.988, Florida Statutes, is amended to read:

586-02453-26

20261690c1

1074        409.988 Community-based care lead agency duties; general  
1075 provisions.—

1076        (2) LICENSURE.—

1077        (c) Substitute care providers who are licensed under s.  
1078 409.175 and who have contracted with a lead agency are also  
1079 authorized to provide registered or licensed family child day  
1080 care under s. 402.313 if such care is consistent with federal  
1081 law and if the home has met the requirements of s. 402.313.

1082        Section 24. Paragraph (b) of subsection (8) of section  
1083 411.203, Florida Statutes, is amended to read:

1084        411.203 Continuum of comprehensive services.—The Department  
1085 of Education and the Department of Health shall utilize the  
1086 continuum of prevention and early assistance services for high-  
1087 risk pregnant women and for high-risk and handicapped children  
1088 and their families, as outlined in this section, as a basis for  
1089 the intraagency and interagency program coordination,  
1090 monitoring, and analysis required in this chapter. The continuum  
1091 shall be the guide for the comprehensive statewide approach for  
1092 services for high-risk pregnant women and for high-risk and  
1093 handicapped children and their families, and may be expanded or  
1094 reduced as necessary for the enhancement of those services.  
1095 Expansion or reduction of the continuum shall be determined by  
1096 intraagency or interagency findings and agreement, whichever is  
1097 applicable. Implementation of the continuum shall be based upon  
1098 applicable eligibility criteria, availability of resources, and  
1099 interagency prioritization when programs impact both agencies,  
1100 or upon single agency prioritization when programs impact only  
1101 one agency. The continuum shall include, but not be limited to:

1102        (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS

586-02453-26

20261690c1

1103 OF HIGH-RISK CHILDREN.—

1104 (b) Child care and early childhood programs, including, but  
1105 not limited to, licensed child care facilities, family child day  
1106 care homes, therapeutic child care, Head Start, and preschool  
1107 programs in public and private schools.

1108 Section 25. Paragraph (a) of subsection (3) of section  
1109 1002.55, Florida Statutes, is amended to read:

1110 1002.55 School-year prekindergarten program delivered by  
1111 private prekindergarten providers.—

1112 (3) To be eligible to deliver the prekindergarten program,  
1113 a private prekindergarten provider must meet each of the  
1114 following requirements:

1115 (a) The private prekindergarten provider must be a child  
1116 care facility licensed under s. 402.305, family child day care  
1117 home licensed under s. 402.313, large family child care home  
1118 licensed under s. 402.3131, nonpublic school exempt from  
1119 licensure under s. 402.3025(2), faith-based child care provider  
1120 exempt from licensure under s. 402.316, child development  
1121 program that is accredited by a national accrediting body and  
1122 operates on a military installation that is certified by the  
1123 United States Department of Defense, or private prekindergarten  
1124 provider that has been issued a provisional license under s.  
1125 402.309. A private prekindergarten provider may not deliver the  
1126 program while holding a probation-status license under s.  
1127 402.310.

1128 Section 26. Paragraph (u) of subsection (2) of section  
1129 1002.82, Florida Statutes, is amended to read:

1130 1002.82 Department of Education; powers and duties.—

1131 (2) The department shall:

586-02453-26

20261690c1

1132 (u) Administer a statewide toll-free Warm-Line to provide  
1133 assistance and consultation to child care facilities and family  
1134 child day care homes regarding health, developmental,  
1135 disability, and special needs issues of the children they are  
1136 serving, particularly children with disabilities and other  
1137 special needs. The department shall:

1138 1. Annually inform child care facilities and family child  
1139 ~~day~~ care homes of the availability of this service through the  
1140 child care resource and referral network under s. 1002.92.

1141           2. Expand or contract for the expansion of the Warm-Line to  
1142 maintain at least one Warm-Line in each early learning coalition  
1143 service area.

1144 Section 27. Paragraph (j) of subsection (4) of section  
1145 1002.83, Florida Statutes, is amended to read:

## 1002.83 Early learning coalitions.—

1147 (4) Each early learning coalition must include the  
1148 following member positions; however, in a multicounty coalition,  
1149 each ex officio member position may be filled by multiple  
1150 nonvoting members but no more than one voting member shall be  
1151 seated per member position. If an early learning coalition has  
1152 more than one member representing the same entity, only one of  
1153 such members may serve as a voting member:

1154 (j) A representative of private for-profit child care  
1155 providers, including private for-profit family child day care  
1156 homes.

1157 Section 28. Subsection (4) of section 1002.84, Florida  
1158 Statutes, is amended to read:

1159 1002.84 Early learning coalitions; school readiness powers  
1160 and duties.—Each early learning coalition shall:

586-02453-26

20261690c1

(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. 402.313, a large family child care home licensed under s. 402.3131, a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c), a 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, an informal child care provider to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18, or a provider who has been issued a provisional license pursuant to s. 402.309. A provider may not deliver the program

586-02453-26

20261690c1

1190 while holding a probation-status license under s. 402.310.

1191 (c) Provide basic health and safety of its premises and  
1192 facilities and compliance with requirements for age-appropriate  
1193 immunizations of children enrolled in the school readiness  
1194 program.

1195 1. For a provider that is licensed, compliance with s.  
1196 402.305, s. 402.3131, or s. 402.313 and this subsection, as  
1197 verified pursuant to s. 402.311, satisfies this requirement.

1198 2. For a provider that is a registered family child day  
1199 care home or is not subject to licensure or registration by the  
1200 Department of Children and Families, compliance with this  
1201 subsection, as verified pursuant to s. 402.311, satisfies this  
1202 requirement. Upon verification pursuant to s. 402.311, the  
1203 provider shall annually post the health and safety checklist  
1204 adopted by the department prominently on its premises in plain  
1205 sight for visitors and parents and shall annually submit the  
1206 checklist to its local early learning coalition.

1207 3. For a child development program that is accredited by a  
1208 national accrediting body and operates on a military  
1209 installation that is certified by the United States Department  
1210 of Defense, the submission and verification of annual  
1211 inspections pursuant to United States Department of Defense  
1212 Instructions 6060.2 and 1402.05 satisfies this requirement.

1213 Section 30. Paragraph (c) of subsection (2) of section  
1214 1002.895, Florida Statutes, is amended to read:

1215 1002.895 Market rate schedule.—The school readiness program  
1216 market rate schedule shall be implemented as follows:

1217 (2) The market rate schedule must differentiate rates by  
1218 provider type, including, but not limited to:

586-02453-26

20261690c1

1219       (c) Family child day care homes licensed or registered  
1220 under s. 402.313.

1221       Section 31. Paragraph (a) of subsection (3) and subsection  
1222 (4) of section 1002.92, Florida Statutes, are amended to read:  
1223       1002.92 Child care and early childhood resource and  
1224 referral.—

1225       (3) Child care resource and referral agencies shall provide  
1226 the following services:

1227       (a) Identification of existing public and private child  
1228 care and early childhood education services, including child  
1229 care services by public and private employers, and the  
1230 development of an early learning provider performance profile of  
1231 those services through the single statewide information system  
1232 developed by the department under s. 1002.82(2)(q). These  
1233 services may include family child day care, public and private  
1234 child care programs, the Voluntary Prekindergarten Education  
1235 Program, Head Start, the school readiness program, special  
1236 education programs for prekindergarten children with  
1237 disabilities, services for children with developmental  
1238 disabilities, full-time and part-time programs, before-school  
1239 and after-school programs, and vacation care programs. The early  
1240 learning provider performance profile shall include, but not be  
1241 limited to:

- 1242       1. Type of program.
- 1243       2. Hours of service.
- 1244       3. Ages of children served.
- 1245       4. Number of children served.
- 1246       5. Program information.
- 1247       6. Fees and eligibility for services.

586-02453-26

20261690c1

1248        7. Availability of transportation.

1249        8. Participation in the Child Care Food Program, if  
1250 applicable.

1251        9. A link to licensing inspection reports, if applicable.

1252        10. The components of the Voluntary Prekindergarten  
1253 Education Program performance metric calculated under s. 1002.68  
1254 which must consist of the program assessment composite score,  
1255 learning gains score, achievement score, and its designations,  
1256 if applicable.

1257        11. The school readiness program assessment composite score  
1258 and program assessment care level composite score results  
1259 delineated by infant classrooms, toddler classrooms, and  
1260 preschool classrooms results under s. 1002.82, if applicable.

1261        12. Gold Seal Quality Care designation under s. 1002.945,  
1262 if applicable.

1263        13. Indication of whether the provider implements a  
1264 curriculum approved by the department and the name of the  
1265 curriculum, if applicable.

1266        14. Participation in school readiness child assessment  
1267 under s. 1002.82.

1268        (4) A child care facility licensed under s. 402.305 and  
1269 licensed and registered family child day care homes must provide  
1270 the statewide child care and resource and referral network with  
1271 the following information annually:

1272        (a) Type of program.

1273        (b) Hours of service.

1274        (c) Ages of children served.

1275        (d) Fees and eligibility for services.

1276        Section 32. Subsection (2) of section 1002.93, Florida

586-02453-26

20261690c1

1277 Statutes, is amended to read:

1278 1002.93 School readiness program transportation services.—

1279 (2) The transportation servicers may only provide  
1280 transportation to each child participating in the school  
1281 readiness program to the extent that such transportation is  
1282 necessary to provide child care opportunities that otherwise  
1283 would not be available to a child whose home is more than a  
1284 reasonable walking distance from the nearest child care facility  
1285 or family child day care home.

1286 Section 33. Paragraph (b) of subsection (1), paragraphs (a)  
1287 and (c) of subsection (3), and subsection (4) of section  
1288 1002.945, Florida Statutes, are amended to read:

1289 1002.945 Gold Seal Quality Care Program.—

1290 (1)

1291 (b) A child care facility, large family child care home, or  
1292 family child day care home that is accredited by an accrediting  
1293 association approved by the Department of Education under  
1294 subsection (3) and meets all other requirements shall, upon  
1295 application to the department, receive a separate "Gold Seal  
1296 Quality Care" designation.

1297 (3) (a) In order to be approved by the Department of  
1298 Education for participation in the Gold Seal Quality Care  
1299 Program, an accrediting association must apply to the department  
1300 and demonstrate that it:

1301 1. Is a recognized accrediting association.

1302 2. Has accrediting standards that substantially meet or  
1303 exceed the Gold Seal Quality Care standards adopted by the state  
1304 board under subsection (2).

1305 3. Is a registered corporation with the Department of

586-02453-26

20261690c1

1306 State.

1307 4. Can provide evidence that the process for accreditation  
1308 has, at a minimum, all of the following components:

1309 a. Clearly defined prerequisites that a child care provider  
1310 must meet before beginning the accreditation process. However,  
1311 accreditation may not be granted to a child care facility, large  
1312 family child care home, or family child day care home before the  
1313 site is operational and is attended by children.

1314 b. Procedures for completion of a self-study and  
1315 comprehensive onsite verification process for each classroom  
1316 that documents compliance with accrediting standards.

1317 c. A training process for accreditation verifiers to ensure  
1318 inter-rater reliability.

1319 d. Ongoing compliance procedures that include requiring  
1320 each accredited child care facility, large family child care  
1321 home, and family child day care home to file an annual report  
1322 with the accrediting association and risk-based, onsite auditing  
1323 protocols for accredited child care facilities, large family  
1324 child care homes, and family child day care homes.

1325 e. Procedures for the revocation of accreditation due to  
1326 failure to maintain accrediting standards as evidenced by sub-  
1327 subparagraph d. or any other relevant information received by  
1328 the accrediting association.

1329 f. Accreditation renewal procedures that include an onsite  
1330 verification occurring at least every 5 years.

1331 g. A process for verifying continued accreditation  
1332 compliance in the event of a transfer of ownership of  
1333 facilities.

1334 h. A process to communicate issues that arise during the

586-02453-26

20261690c1

1335 accreditation period with governmental entities that have a  
1336 vested interest in the Gold Seal Quality Care Program, including  
1337 the Department of Education, the Department of Children and  
1338 Families, the Department of Health, local licensing entities if  
1339 applicable, and the early learning coalition.

1340 (c) If an accrediting association has granted accreditation  
1341 to a child care facility, large family child care home, or  
1342 family child day care under fraudulent terms or failed to  
1343 conduct onsite verifications, the accrediting association shall  
1344 be liable for the repayment of any rate differentials paid under  
1345 subsection (6).

1346 (4) In order to obtain and maintain a designation as a Gold  
1347 Seal Quality Care provider, a child care facility, large family  
1348 child care home, or family child day care home must meet the  
1349 following additional criteria:

1350 (a) The child care provider must not have had any class I  
1351 violations, as defined by rule of the Department of Children and  
1352 Families, within the 2 years preceding its application for  
1353 designation as a Gold Seal Quality Care provider. Commission of  
1354 a class I violation shall be grounds for termination of the  
1355 designation as a Gold Seal Quality Care provider until the  
1356 provider has no class I violations for a period of 2 years.

1357 (b) The child care provider must not have had three or more  
1358 of the same class II violations, as defined by rule of the  
1359 Department of Children and Families, within the 2 years  
1360 preceding its application for designation as a Gold Seal Quality  
1361 Care provider. Commission of three or more of the same class II  
1362 violations within a 2-year period shall be grounds for  
1363 termination of the designation as a Gold Seal Quality Care

586-02453-26

20261690c1

1364 provider until the provider has no class II violations that are  
1365 the same for a period of 1 year.

1366 (c) The child care provider must not have been cited for  
1367 the same class III violation, as defined by rule of the  
1368 Department of Children and Families, three or more times and  
1369 failed to correct the violation within 1 year after the date of  
1370 each citation, within the 2 years preceding its application for  
1371 designation as a Gold Seal Quality Care provider. Commission of  
1372 the same class III violation three or more times and failure to  
1373 correct within the required time during a 2-year period may be  
1374 grounds for termination of the designation as a Gold Seal  
1375 Quality Care provider until the provider has no class III  
1376 violations for a period of 1 year.

1377 (d) Notwithstanding paragraph (a), if the Department of  
1378 Education determines through a formal process that a provider  
1379 has been in business for at least 5 years and has no other class  
1380 I violations recorded, the department may recommend to the state  
1381 board that the provider maintain its Gold Seal Quality Care  
1382 status. The state board's determination regarding such  
1383 provider's status is final.

1384 Section 34. This act shall take effect July 1, 2026.