

## CHAPTER 2025-181

### Committee Substitute for Senate Bill No. 738

An act relating to child care and early learning providers; amending s. 170.201, F.S.; exempting public and private preschools from specified special assessments levied by a municipality; defining the term “pre-school”; amending s. 402.305, F.S.; revising licensing standards for all licensed child care facilities and minimum standards and training requirements for child care personnel; requiring the Department of Children and Families to conduct specified screenings of child care personnel within a specified timeframe and issue provisional approval of such personnel under certain conditions; providing an exception; revising minimum standards for sanitation and safety of child care facilities; making technical changes; deleting provisions relating to educating parents and children about specified topics; deleting provisions relating to specialized child care facilities for the care of mildly ill children; amending s. 402.306, F.S.; requiring a county commission to affirm annually certain decisions; amending s. 402.3115, F.S.; expanding the types of providers to be considered when developing and implementing a plan to eliminate duplicative and unnecessary inspections; revising requirements for an abbreviated inspection plan for certain child care facilities, family day care homes, and large family child care homes; requiring the department to review and update certain elements included in such abbreviated inspections; requiring the department to revise the abbreviated inspection plan as necessary; amending s. 402.316, F.S.; providing that certain child care facilities and family day care homes are exempt from specified requirements; deleting a provision requiring a county or city with certain child care licensing programs in existence on a specified date to continue to license certain facilities under certain circumstances; authorizing certain exempt child care facilities to submit an application for licensure to the department or a local licensing agency; requiring the department and the local licensing agency to adopt rules; amending s. 1002.59, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsection (2) of section 170.201, Florida Statutes, is amended to read:

170.201 Special assessments.—

(2) Property owned or occupied by a religious institution and used as a place of worship or education; by a public or private preschool, elementary school, middle school, or high school; or by a governmentally financed, insured, or subsidized housing facility that is used primarily for persons who are elderly or disabled shall be exempt from any special assessment levied by a municipality to fund any service if the municipality so desires. As used in

this subsection, the term “religious institution” means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on and the term “governmentally financed, insured, or subsidized housing facility” means a facility that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act and is owned or operated by an entity that qualifies as an exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code. As used in this subsection, the term “preschool” means any child care facility licensed under s. 402.305.

Section 2. Paragraphs (a) and (c) of subsection (1), paragraphs (a), (e), and (f) of subsection (2), paragraphs (a) and (c) of subsection (7), and subsections (9), (13), and (17) of section 402.305, Florida Statutes, are amended to read:

402.305 Licensing standards; child care facilities.—

(1) LICENSING STANDARDS.—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(a) The standards shall be designed to address the following areas:

~~1.—the health and nutrition, sanitation, safety, developmental needs, and sanitary adequate physical conditions surroundings for all children served by in child care facilities.~~

~~2.—The health and nutrition of all children in child care.~~

~~3.—The child development needs of all children in child care.~~

(c) The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section.

1. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that different age groups of children may require different standards.

2. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children.

3. The department may create up to three classification levels for violations of licensing standards that directly relate to the health and safety of a child. A class three violation is the least serious in nature and must be the same incident of noncompliance that occurs at least three times within a 2-year period.

4. The department shall also adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure. Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. After-school programs that otherwise meet the criteria for exclusion from licensure may provide snacks and meals through the federal Afterschool Meal Program (AMP) administered by the Department of Health in accordance with federal regulations and standards. The Department of Health shall consider meals to be provided through the AMP only if the program is actively participating in the AMP, is in good standing with the department, and the meals meet AMP requirements. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.

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

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

(e) Minimum training requirements for child care personnel.

1. Such minimum standards for training shall ensure that all child care personnel take an approved 40-clock-hour introductory course in child care, which course covers at least the following topic areas:

- a. State and local rules and regulations which govern child care.
- b. Health, safety, and nutrition.
- c. Identifying and reporting child abuse and neglect.
- d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.

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

f. Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators and child care personnel of a child care facility.

g. Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.

h. Online training coursework, provided at no cost by the department, to meet minimum training standards for child care personnel.

Within 90 days after employment, child care personnel shall begin training to meet the training requirements. Child care personnel shall successfully complete such training within 1 year after the date on which the training began, as evidenced by passage of an in-person or online a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations. Child care personnel possessing a 2-year degree or higher that includes 6 college credit hours in early childhood development or child growth and development, or a child development associate credential or an equivalent state-approved child development associate credential, or a child development associate waiver certificate shall be automatically exempted from the training requirements in sub-paragraphs b., d., and e.

~~2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.~~

~~2.3.~~ The introductory course shall cover recognition and prevention of shaken baby syndrome; prevention of sudden infant death syndrome; recognition and care of infants and toddlers with developmental disabilities, including autism spectrum disorder and Down syndrome; and early childhood brain development within the topic areas identified in this paragraph.

~~3.4.~~ On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to take an additional 1 continuing education unit of approved inservice training, or 10 clock hours of equivalent training, as determined by the department.

~~4.5.~~ Child care personnel shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training,

as determined by the department, in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subparagraph 3. 4.

5.6. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and career programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

6.7. Training requirements do shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

7.8. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

(f) Periodic health examinations for child care facility drivers.

(7) SANITATION AND SAFETY.—

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

~~(c) Some type of communications system, such as a pocket pager or beeper, shall be provided to a parent whose child is in drop-in child care to ensure the immediate return of the parent to the child, if necessary.~~

(9) ADMISSIONS AND RECORDKEEPING.—

(a) Minimum standards must shall include requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information and health records on all children.

~~(b) During the months of August and September of each year, each child care facility shall provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended~~

by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

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

~~(b)(d)~~ Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health examinations and requirements for medically signed records of immunization required for child care facilities do shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.

~~(c)(e)~~ Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.

(13) PLAN OF ACTIVITIES.—Minimum standards shall ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child. The written plan must include a program, to be implemented periodically for children of an appropriate age, which will assist the children in preventing and avoiding physical and mental abuse.

~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY ILL CHILDREN.~~—Minimum standards shall be developed by the department, in conjunction with the Department of Health, for specialized child care facilities for the care of mildly ill children. The minimum standards shall address the following areas: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of “mildly ill children”; sanitation and safety; admission and recordkeeping; dispensing of medication; and a schedule of activities.

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

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

(1)(a) Any county whose licensing standards meet or exceed state minimum standards may:

1.(a) Designate a local licensing agency to license child care facilities in the county; or

2.(b) Contract with the department to delegate the administration of state minimum standards in the county to the department.

(b) The decision to designate a local licensing agency under subparagraph (a)1. must be annually affirmed by a majority vote of the county commission.

Section 4. Section 402.3115, Florida Statutes, is amended to read:

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

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

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

1. Have been licensed for at least 2 consecutive years.

2. Have not had a no Class 1 deficiency, as defined by rule, for at least 2 consecutive years.

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

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

5. Do not have any current uncorrected violations.

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

(b) The abbreviated inspection must include those elements identified by the department ~~and the local governmental agencies~~ as being key indicators of whether the child care facility continues to provide quality care and programming. The department shall review and update these elements every 5 years.

(3) The department shall revise the plan under subsection (1) as necessary to maintain the validity and effectiveness of inspections.

Section 5. Section 402.316, Florida Statutes, is amended to read:

402.316 Exemptions.—

(1) The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, do shall not apply to a child care facility which is an integral part of church or parochial schools, or a child care facility that solely provides child care to eligible children as defined in s. 402.261(1)(c), conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.

(2) The provisions of ss. 402.301-402.319 do not apply to a child care facility or family day care home if the child care facility or family day care home has a certificate issued by the United States Department of Defense or by the United States Coast Guard to provide child care and has completed background screening by the United States Department of Defense pursuant to 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and received a favorable suitability and fitness determination. If the child care facility or family day care home elects to serve children ineligible for care under the United States Department of Defense Instruction 6060.02, the child care facility or family day care home must be licensed under chapter 402.

~~(3)(2) Any county or city with state or local child care licensing programs in existence on July 1, 1974, will continue to license the child care facility facilities as covered by such programs, notwithstanding the exemption under provisions of subsection (1) which desires to be licensed may submit an application to the department or local licensing agency pursuant to s. 402.308(4), until and unless the licensing agency makes a determination to exempt them.~~

~~(4)(3) The department and the local licensing agency pursuant to s. 402.308(4) shall adopt rules to administer and implement this section, including, but not limited to, any assessments of previous licensure history~~ Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

Section 6. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:



## 1002.59 Emergent literacy and performance standards training courses.

(1) The department, in collaboration with the Just Read, Florida! Office, shall adopt minimum standards for courses in emergent literacy for prekindergarten instructors. Each course must consist of 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, vocabulary and comprehension development, and foundational background knowledge designed to correlate with the content that students will encounter in grades K-12, consistent with the evidence-based content and strategies grounded in the science of reading identified pursuant to s. 1001.215(7). The course standards must be reviewed as part of any review of subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas conducted pursuant to s. 1012.586. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)4., 402.313(6), and 402.3131(5) ~~ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).~~

Section 7. This act shall take effect July 1, 2025.

Approved by the Governor June 25, 2025.

Filed in Office Secretary of State June 25, 2025.