

CHAPTER 2026-140

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1690

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 a child care facility 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 lawsuits covering such claims; providing exceptions; prohibiting insurers from denying, cancelling, or refusing to renew a policy for residential property insurance on the basis that the policyholders or applicants operate large family child care homes; providing exceptions; amending s. 1001.24, F.S.; revising the definition of the term “Department of Education direct-support organization”; creating s. 1002.821, F.S.; creating the Florida Child Care Fund for a specified purpose; requiring a Department of Education direct-support organization to administer the fund; requiring funds to be deposited into the Early Learning Fund; requiring legislative appropriations from the Child Care and Development Block Grant Trust Fund to be deposited into the Early Learning Fund; requiring that funds from state sources and interest earnings be accounted for separately; specifying uses for such funds; beginning on a specified date, requiring the Division of Early Learning to prepare, and the Department of Education to publish on its website, an annual report on the performance of the fund; specifying requirements for the reports; amending s. 1002.95, F.S.; requiring the administrator of the Teacher Education and Compensation Helps Scholarship Program, subject to an appropriation, to establish and administer the Center for Early Childhood Professional Recognition for a specified purpose; amending ss. 39.202, 125.0109, 166.0445, 212.08, 402.302, 402.305, 402.309, 402.310, 402.3115, 402.312, 402.315, 402.318, 402.319, 409.988, 411.203, 1002.55, 1002.82, 1002.83, 1002.84, 1002.88, 1002.895, 1002.92, 1002.93,

and 1002.945, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

(3) The department and local licensing agencies, or the designees thereof, shall be responsible for coordination and dissemination of information on child care to the community and shall make available through electronic means all licensing standards and procedures, health and safety standards for school readiness providers, monitoring and inspection reports, and the names and addresses of licensed child care facilities, school readiness program providers, and, where applicable pursuant to s. 402.313, licensed or registered family child day care homes. This information shall also include the number of deaths, serious injuries, and instances of substantiated child abuse that have occurred in child care settings, including those which are exempt pursuant to s. 402.316(1) or (2), each year; research and best practices in child development; and resources regarding social-emotional development, parent and family engagement, healthy eating, and physical activity.

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

402.313 Family child day care homes.—

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

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

1. The name and address of the home.
2. The name of the operator.
3. The number of children served.
4. Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.
5. Proof of screening and background checks.

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

- a. State and local rules and regulations that govern child care.
- b. Health, safety, and nutrition.
- c. Identifying and reporting child abuse and neglect.
- d. Child development, including typical and atypical language development; and 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 a child's developmental level.

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

7. Proof that immunization records are kept current.

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

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

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

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

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

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

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

(6) Operators of family child day care homes shall be required to complete 0.5 continuing education unit of approved training 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 subsection (5).

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

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

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

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

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

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

(d) The statewide toll-free telephone number of the central abuse hotline, together with a notice that reports of suspected and actual child

physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline.

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

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

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

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

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

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

The evaluation shall be utilized by the department in any administrative modifications or adjustments to be made in the registration of family child day care homes or in any legislative requests for modifications to the system of registration or to other requirements for family child day care homes.

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

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

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

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

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

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

402.3131 Large family child care homes.—

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

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

Section 4. 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 pursuant to ss. 402.305 and 402.3055, do 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)(e)~~, conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization that ~~which~~ publishes and requires compliance with its standards for health, safety, and sanitation. ~~However,~~ Such facilities must ~~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 pursuant to ss. 402.305 and 402.3055 shall result in the loss of the facility's exemption from licensure.

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

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

(4)(3) Any child care facility covered by the exemption under subsection (1) ~~or subsection (2)~~ which desires to be licensed may submit an application to the department or local licensing agency pursuant to s. 402.308(4).

(5)(4) 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.

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

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

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

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

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

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

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

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

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

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

(a) Specifically covered in a policy; or

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

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

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

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

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

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

Section 6. Section 1001.24, Florida Statutes, is amended to read:

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

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

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

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

2. That is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of early learning programs for children from birth to 5 years of age and public prekindergarten through 12th grade education in this state.

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

(b) “Personal services” includes full-time or part-time personnel, as well as payroll processing.

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

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

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

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

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

(4) ANNUAL AUDIT.—Each direct-support organization shall provide for an annual financial audit in accordance with s. 215.981. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor’s report. All records of the organization other than the auditor’s report, management letter, and any supplemental data requested by the Auditor General and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

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

1002.821 Florida Child Care Fund.—The Florida Child Care Fund is established to support early learning and child care needs of Florida families.

(1) A Department of Education direct-support organization established pursuant to s. 1001.24 shall administer the fund.

(2)(a) Any bequests, gifts, grants, and donations made to the fund as may be solicited for such purpose from public or private sources shall be deposited into the Early Learning Fund.

(b) Any legislative appropriation from the Child Care and Development Block Grant Trust Fund which may be provided to the Florida Child Care Fund shall be deposited into the Early Learning Fund and shall be used to fund children from the waiting list under subparagraph (3)(a)1.

(c) Any funds received from state sources and interest earnings shall be accounted for separately.

(3) Funds shall be used for the following purposes:

(a) To provide care for children from birth until the child is eligible to enroll in kindergarten in accordance with:

- 1. An allocation methodology to fund the waiting list of early learning coalitions; or
- 2. The intentions of a donor.

(b) The early learning coalition shall fund school readiness program providers and providers selected by the donor’s recipient at the reimbursement rate calculated pursuant to s. 1002.84(17). If the provider selected by the donor’s recipient is not a school readiness program provider, the department shall adopt a contract for use by an early learning coalition with the provider to provide such funds.

(c) Any family served under subparagraph (a)1. shall have an early learning coalition apply a parent copayment based on family income pursuant to s. 1002.84(9) or s. 1002.935(2)(b).

(4) Beginning January 1, 2027, and each January 1 thereafter, the Division of Early Learning shall prepare, and the department shall publish on its website, a report that summarizes the performance of the Florida Child Care Fund and the fund’s fundraising activities for the previous fiscal year, and identifies the child care needs supported by the fund principal or earnings and those supported by private sources, bequests, gifts, grants, and donations. The report must also include:

- (a) Outcome data, including the number of children served and any child outcomes, by each early learning coalition.
- (b) The amount of funds spent on administrative expenses and fundraising and the amount of funds raised from private sources.

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

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

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

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

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

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which may only be released as provided in subsection (5), may only be granted to the following persons, officials, and agencies:

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

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

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

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

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

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

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

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

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

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

(j) *Household fuels*.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied

petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family child day care homes shall also be exempt.

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

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

(3) “Child care personnel” means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator’s family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator’s family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs that provide care for children 15 hours or more each week in public or nonpublic schools, family child day care homes, membership organizations under s. 402.301, or programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school’s program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term “personnel” for the purposes of screening and training if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

(8) “Family child day care home” means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family child day 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 family child day care home shall be

allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.
- (9) “Household children” means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family child day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator’s household children shall be left to the discretion of the operator unless those children receive subsidized child care through the school readiness program pursuant to s. 1002.92 to be in the home.

(11) “Large family child care home” means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family child day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of 8 children from birth to 24 months of age.
- (b) A maximum of 12 children, with no more than 4 children under 24 months of age.

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

402.305 Licensing standards; child care facilities.—

(17) TRANSFER OF OWNERSHIP.—

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

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

402.309 Provisional license or registration.—

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

(2) A provisional license or registration may not be issued unless the operator or owner makes adequate provisions for the health and safety of the child. A provisional license may be issued for a child care facility if all of the screening materials have been timely submitted. A provisional license or registration may not be issued unless the child care facility, family child day care home, or large family child care home is in compliance with the requirements for screening of child care personnel in ss. 402.305, 402.3055, 402.313, and 402.3131, respectively.

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

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

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

(c) Provides evidence that he or she has completed, within the previous 6 months, training pursuant to United States Department of Defense Instruction 6060.02 and 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.

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

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

(1)

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

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

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

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

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

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

1. Have been licensed for at least 2 consecutive years.
2. Have not had a Class 1 deficiency, as defined by rule, for at least 2 consecutive years.
3. Have not had more than three of the same Class 2 deficiencies, as defined by rule, for at least 2 consecutive years.
4. Have received at least two full onsite renewal inspections in the most recent 2 years.
5. Do not have any current uncorrected violations.
6. Do not have any open regulatory complaints or active child protective services investigations.

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

402.312 License required; injunctive relief.—

(1) The operation of a child care facility without a license, a family child day care home without a license or registration, or a large family child care home without a license is prohibited. If the department or the local licensing agency discovers that a child care facility is being operated without a license, a family child day care home is being operated without a license or

registration, or a large family child care home is being operated without a license, the department or local licensing agency is authorized to seek an injunction in the circuit court where the facility is located to enjoin continued operation of such facility, family child day care home, or large family child care home. When the court is closed for the transaction of judicial business, the department or local licensing agency is authorized to seek an emergency injunction to enjoin continued operation of such unlicensed facility, unregistered or unlicensed family child day care home, or unlicensed large family child care home, which injunction shall be continued, modified, or revoked on the next day of judicial business.

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

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

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

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

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

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

402.315 Funding; license fees.—

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

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

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

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

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

Section 20. Section 402.318, Florida Statutes, is amended to read:

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

Section 21. Section 402.319, Florida Statutes, is amended to read:

402.319 Penalties.—

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

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

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

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

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

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

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

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

2. The part of the child care facility or family child day care home designated for child care;
3. The qualifications or credentials of child care personnel;
4. Whether a family child day care home or child care facility complies with the screening requirements of s. 402.305; or
5. Whether child care personnel have the training as required by s. 402.305.

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

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

Section 22. Paragraph (c) of subsection (2) of section 409.988, Florida Statutes, is amended to read:

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

(2) LICENSURE.—

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

Section 23. Paragraph (b) of subsection (8) of section 411.203, Florida Statutes, is amended to read:

411.203 Continuum of comprehensive services.—The Department of Education and the Department of Health shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon

applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

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

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

Section 24. Paragraph (a) of subsection (3) of section 1002.55, Florida Statutes, is amended to read:

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

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

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

Section 25. Paragraph (u) of subsection (2) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

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

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

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

Section 26. Paragraph (j) of subsection (4) of section 1002.83, Florida Statutes, is amended to read:

1002.83 Early learning coalitions.—

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

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

Section 27. Subsection (4) of section 1002.84, Florida Statutes, is amended to read:

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

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

Section 28. 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 while holding a probation-status license under s. 402.310.

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

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

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

3. For 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, the submission and verification of annual inspections pursuant to United States Department of Defense Instructions 6060.2 and 1402.05 satisfies this requirement.

Section 29. Paragraph (c) of subsection (2) of section 1002.895, Florida Statutes, is amended to read:

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

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

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

Section 30. Paragraph (a) of subsection (3) and subsection (4) of section 1002.92, Florida Statutes, are amended to read:

1002.92 Child care and early childhood resource and referral.—

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

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of an early learning provider performance profile of those services through the single statewide

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

1. Type of program.
 2. Hours of service.
 3. Ages of children served.
 4. Number of children served.
 5. Program information.
 6. Fees and eligibility for services.
 7. Availability of transportation.
 8. Participation in the Child Care Food Program, if applicable.
 9. A link to licensing inspection reports, if applicable.
 10. The components of the Voluntary Prekindergarten Education Program performance metric calculated under s. 1002.68 which must consist of the program assessment composite score, learning gains score, achievement score, and its designations, if applicable.
 11. The school readiness program assessment composite score and program assessment care level composite score results delineated by infant classrooms, toddler classrooms, and preschool classrooms results under s. 1002.82, if applicable.
 12. Gold Seal Quality Care designation under s. 1002.945, if applicable.
 13. Indication of whether the provider implements a curriculum approved by the department and the name of the curriculum, if applicable.
 14. Participation in school readiness child assessment under s. 1002.82.
- (4) A child care facility licensed under s. 402.305 and licensed and registered family child day care homes must provide the statewide child care and resource and referral network with the following information annually:
- (a) Type of program.
 - (b) Hours of service.

- (c) Ages of children served.
- (d) Fees and eligibility for services.

Section 31. Subsection (2) of section 1002.93, Florida Statutes, is amended to read:

1002.93 School readiness program transportation services.—

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

Section 32. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (3), and subsection (4) of section 1002.945, Florida Statutes, are amended to read:

1002.945 Gold Seal Quality Care Program.—

(1)

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

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

1. Is a recognized accrediting association.
2. Has accrediting standards that substantially meet or exceed the Gold Seal Quality Care standards adopted by the state board under subsection (2).
3. Is a registered corporation with the Department of State.
4. Can provide evidence that the process for accreditation has, at a minimum, all of the following components:
 - a. Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process. However, accreditation may not be granted to a child care facility, large family child care home, or family child day care home before the site is operational and is attended by children.

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

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

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

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

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

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

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

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

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

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

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

the designation as a Gold Seal Quality Care provider until the provider has no class II violations that are the same for a period of 1 year.

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

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

Section 33. This act shall take effect July 1, 2026.

Approved by the Governor June 12, 2026.

Filed in Office Secretary of State June 12, 2026.