

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/CS/HB 47](#)

**TITLE:** Child Care and Early Learning Providers

**SPONSOR(S):** McFarland

**COMPANION BILL:** [CS/SB 738](#) (Burton)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 114 Y's

0 N's

**GOVERNOR'S ACTION:**

Approved

### SUMMARY

#### Effect of the Bill:

The bill modifies existing child care licensure standards, including background screenings and training of child care personnel, abbreviated inspections, and the health and safety of children. The bill exempts from licensure certain employer-operated child care facilities solely attended by employees' children. The bill grants an exemption from special assessments levied by municipalities for child care facilities. The bill also requires county commissions to annually affirm continued services for locally managed child care licensing.

#### Fiscal or Economic Impact:

The bill has a \$3,038,070 fiscal impact on the Department of Children and Families, which is accounted for in the General Appropriations Act for Fiscal Year 2025-2026. See Fiscal or Economic Impact.

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## ANALYSIS

### EFFECT OF THE BILL:

CS/CS/CS/HB 47 passed as [CS/SB 738](#).

### Child Care

#### [Child Care Licensure Program](#)

##### *Local Licensing Agency Designations*

A county which decides to impose child care licensing standards which meet or exceed the state standards may designate by ordinance a [local licensing agency](#) to license child care facilities and homes instead of the Department of Children and Families (DCF).

The bill requires counties who have designated a local licensing agency to administer child care licensure to annually affirm the designation, by a majority vote of the county commission. (Section [3](#))

##### *Child Care Licensure Standards*

Current law requires DCF to establish licensing standards for child care providers and specifies what these [child care licensing standards](#) should address.

The bill authorizes DCF to create up to three classification levels for violations that relate directly to the health and safety of a child. The bill specifies that a Class 3 violation<sup>1</sup> is the least serious in nature and must be the same

<sup>1</sup> Class three violations typically pose a low potential for harm to children. Examples of class three violations for other DCF licensing standards include, child care provider license not displayed, room capacity or emergency numbers not posted, incomplete first aid supplies, violations relating to certain personnel and child records, insufficient space between napping children, planned activities/field trip notice

**STORAGE NAME:** h0047z

**DATE:** 6/26/2025

incident of noncompliance that occurs at least three times within a 2-year period. This will allow a child care provider to fail the same [Class 3](#) licensure standard three times in a 2-year period before it constitutes as a Class 3 violation. DCF's current enforcement model utilizes three classification levels for violations of licensing standards over a two-year period (Rule 65C-22.010, F.A.C.).<sup>2</sup> Under this current model, DCF only issues a Class 3 violation if a provider fails the same Class 3 standard three times within a 2-year period, which is what the bill requires.<sup>3</sup> This provision codifies DCF's current enforcement model, and therefore has no substantive effect. (Section [2](#))

### Child Care Personnel – Background Screening and Training Requirements

Currently, child care personnel must pass a level 2 [background screening](#) as a condition of employment at a child care facility or home in Florida. A current or prospective employee may not work at the child care facility or home while waiting for background screening results, unless DCF grants a provisional hire status.

The bill requires DCF to complete the background screening for child care personnel and provide the results to the child care facility within three business days after DCF receives the results. Upon failure to do so, the bill requires DCF to issue the current or prospective child care personnel a 45-day provisional hire status while all required information is requested and DCF awaits results, unless DCF 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. This provision will reduce hiring delays by enabling child care providers to begin the hiring process before the preliminary review of the background screening is completed. (Section [2](#))

Currently, child care personnel must to pay a fee to take a 40-hour [introductory course](#) on child care. Child care personnel are also required to pass in-person competency examinations, upon completion of each course.

The bill requires the 40-hour introductory course in child care to include online training coursework that meets the minimum training standards for child care personnel. The bill also requires DCF to provide the course at no cost. The bill requires the child care personnel competency examination to be provided either online or in-person. The bill also removes the “interdisciplinary approach to the study of children” as a requirement for the introductory course in child care. (Section [2](#))

### Other Child Care Licensure Standards

The bill modifies several [other child care licensing standards](#) relating to periodic health examinations of child care personnel, safety and sanitation (including cardiopulmonary resuscitation staff training requirements and drop-in child care communications system requirements), annual parental notification requirements, written activities plan requirements for child care facilities, and [specialized child care facilities for the care of mildly ill children](#). The bill:

- Limits periodic health examinations to child care facility drivers only.
- Removes obsolete language regarding pagers and beepers for [drop-in child care](#).
- Removes requirements for child care facilities to provide parents with information related to flu shots in the months of August and September and information related to leaving children in a vehicle during the months of April and September.
- Requires at least one staff person who received in-person cardiopulmonary resuscitation training to be present at all times children are present;
- Removes requirement for child care facilities to periodically implement a program, for children of an appropriate age, to assist in preventing and avoiding physical and mental abuse.

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not posted, etc. DCF Operating Procedures, *Child Care Licensing Program Desk Reference Guide*, CFOP 170-20, pgs. 203-204, available at [https://www.myflfamilies.com/sites/default/files/2022-12/cfop\\_170-20\\_child\\_care\\_licensing\\_program\\_desk\\_reference\\_guide.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/cfop_170-20_child_care_licensing_program_desk_reference_guide.pdf), (last visited May 13, 2025).

<sup>2</sup> See, [S. 402.310, F.S.](#)

<sup>3</sup> See, DCF Operating Procedures, *Child Care Licensing Program Desk Reference Guide*, CFOP 170-20, pgs. 203-204, available at [https://www.myflfamilies.com/sites/default/files/2022-12/cfop\\_170-20\\_child\\_care\\_licensing\\_program\\_desk\\_reference\\_guide.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/cfop_170-20_child_care_licensing_program_desk_reference_guide.pdf), (last visited May 13, 2025).

- Removes requirement for DCF to develop standards for specialized child care facilities for the care of mildly ill children. (Section [2](#))

### *Abbreviated Inspections*

The bill requires DCF and the local licensing agencies to develop and implement plans to eliminate duplicative and unnecessary inspections for family day care homes and large family child care homes. The bill expands DCF and local licensing agencies' authority to conduct abbreviated inspections for child care providers to include licensed family day care homes and large family child care homes. Currently, only child care facilities are eligible for abbreviated inspections. The bill also expands the eligibility criteria for abbreviated inspections to require DCF and the local licensing agencies to develop and implement an abbreviated inspection plan for child care facilities, family day care homes, and large family child care homes that:

- Have been licensed for at least two consecutive years.
- Have not had a Class I violation for at least two consecutive years.
- Have not had more than three of the same Class 2 violations for at least two consecutive years.
- Have received at least two full onsite renewal inspections in the most recent two years.
- Do not have any current uncorrected violations.
- Do not have any open regulatory complaints or active child protective service investigations. (Section [4](#))

The bill changes the current abbreviated inspection eligibility requirement of no Class 1 or Class 2 violations within two years to no Class 1 violations and no more than three of the *same* Class 2 violations within two years. This will expand the number of child care providers that will be eligible for abbreviated inspections as it will allow providers with multiple Class 2 violations to receive an abbreviated inspection as long as the same violation was not repeated more than three times within a 2-year period.<sup>4</sup> The bill also requires the abbreviated inspection plan to be updated every five years to maintain the validity and effectiveness of inspections. (Section [4](#))

### *Child Care Licensure Exemptions*

In Florida, child care facilities with religious affiliation and certain family day care homes are exempt from licensure. Current law does not provide an [exemption from licensure](#) for a private business that operates a child care facility that provides child care services solely for the employees of that business.

The bill creates a licensure exemption for a child care facility operated by a business which provides child care solely for the children of the employees of the business. The exemption does not apply to the requirements regarding screening of child care personnel; such employer-operated child care facilities will still have to comply with this requirement. This exemption will allow these businesses to qualify for the [child care tax credit](#) pursuant to [s. 402.261, F.S.](#) (Section [5](#))

Currently, the [United States Department of Defense](#) (DoD) and the United States Coast Guard authorizes child care facilities and homes to provide child care services for military families on and off the military base. The off-base child care facilities and family day care homes must also be licensed by DCF or a local licensing agency, as applicable. The bill creates a licensure exemption for a child care facility or a family day care home that is authorized by DoD or the United States Coast Guard to provide child care services if the child care facility or home has completed background screening by DoD and received a favorable suitability and fitness determination. The exemption does not extend to a child care facility of family day care home that elects to serve children not eligible for care under DoD policy. (Section [5](#))

The bill requires any child care facility that meets the criteria for exemption, but desires licensure, to submit an application for licensure to DCF or, if applicable, the local licensing agency. The bill authorizes DCF and the local licensing agency to adopt rules to administer and implement the provisions regarding child care licensure exemptions, including but not limited to, any assessments for previous licensure history. (Section [5](#))

<sup>4</sup> DCF, *Agency Bill Analysis HB 47 (2025)*, pgs. 2 and 9, on file with the Health and Human Services Committee.

## Special Assessments and Child Care Facilities

Current law creates various exemptions from [special assessments](#) levied by municipalities in Florida.<sup>5</sup> Property owned or occupied by child care facilities are not exempt from these special assessments. The bill exempts property owned or occupied by public or private licensed child care facilities, which the bill refers to as “preschools”, from special assessments levied by municipalities. (Section [1](#))

The bill makes conforming changes and updates cross-references. (Section [6](#))

The bill was approved by the Governor on June 25, 2025, ch. 2025-181, L.O.F., and will become effective on July 1, 2025. (Section [7](#))

### RULEMAKING:

The bill authorizes DCF to adopt rules relating to inspections. The bill also authorizes DCF to create classification levels for violations of licensing standards that directly relate to the health and safety of a child, for which DCF has sufficient rulemaking authority. The bill authorizes DCF and the local licensing agencies to adopt rules to administer and implement provisions regarding child care licensure, including, but not limited to, assessments of previous licensure history.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

### FISCAL OR ECONOMIC IMPACT:

#### STATE GOVERNMENT:

The bill has a significant negative indeterminate fiscal impact on DCF. The bill requires DCF to provide online training coursework to child care personnel at no cost. DCF currently contracts with 13 training coordinating agencies (TCAs) to administer and coordinate in-person courses and exams. TCAs receive training fees paid by child care personnel and through DCF contracts. TCAs received \$3 million in FY 2023-2024 from child care personnel for online coursework and \$838,062 through DCF contracts. If the TCAs no longer charge child care personnel for the courses, the cost of the contracts that DCF has with the TCAs could significantly increase.<sup>6</sup>

The bill also requires DCF to offer competency exams for child care personnel online. DCF estimates that moving to an online exam will have a significant negative indeterminate fiscal impact on the agency due to the significant cost associated with the development, procurement and administration of testing. According to DCF, unless the cost is passed onto the employee, DCF would be unable to absorb the cost through existing resources.<sup>7</sup>

The General Appropriations Act (GAA) for Fiscal Year 2025-2026 appropriates \$3,038,070 in recurring funds to DCF to account for these costs. The GAA makes these funds contingent upon the passage of SB 738, or similar legislation, becoming law.<sup>8</sup>

#### LOCAL GOVERNMENT:

The Revenue Estimating Conference estimated that the provision in the bill exempting child care facilities from municipal special assessments may have a recurring negative impact on local government (municipal) revenues of \$5.9 million in FY 25-26.<sup>9</sup>

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<sup>5</sup> S. [170.201\(2\), F.S.](#)

<sup>6</sup> DCF, *Agency Bill Analysis HB 47 (2025)*, p. 11, on file with the Health and Human Services Committee.

<sup>7</sup> *Id.*

<sup>8</sup> Conference Report for SB 2500, General Appropriations Act, Specific Appropriation 305 (2025).

<sup>9</sup> EDR, *Revenue Estimating Impact Conference (March 24, 2025)*, available at <https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/pdf/page193-195.pdf> (last visited March 24, 2025).

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Child Care Licensure Program](#)

Child care is 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.<sup>10</sup> If a program meets the statutory definition of child care, it is subject to regulation by the Department of Children and Families (DCF) or a local licensing agency, unless the statute specifically excludes or exempts it from regulation.

The child care licensing program is a component of the services provided by DCF. The purpose of the program is to ensure a healthy and safe environment for children in child care settings and to improve the quality of their care. The program is accountable for the statewide licensure of Florida's child-care facilities,<sup>11</sup> large family child care homes,<sup>12</sup> specialized child-care facilities for the care of mildly ill children,<sup>13</sup> and the licensure or registration of family day care homes.<sup>14</sup>

Family day care homes must be licensed if the home is currently licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed. If not subject to licensure, a family day care home must register with DCF.<sup>15</sup>

Currently, there are 11,960 licensed child care providers in Florida, of those 9,629 are licensed by DCF.<sup>16</sup>

Under Florida law, any county whose child care licensing standards meet or exceed the minimum state standards may designate by ordinance a [local licensing agency](#) (LLA) in their county to license child care facilities.<sup>17</sup> A county choosing not to administer its own licensing program or whose minimum standards do not exceed the state minimum standards, would require DCF to administer child care licensing in that county.

Currently, DCF is responsible for the licensure and inspection of child care facilities and homes in 63 of the 67 counties within the state. Four counties have elected to designate a LLA to regulate licensing of child care facilities and homes in their areas; these counties include Broward, Palm Beach, Pinellas, and Sarasota.<sup>18</sup> There are currently 2,331 child care providers licensed by LLAs in Florida.<sup>19</sup>

DCF and LLAs regulate four types of child care providers: child care facilities, family day care homes, large family child care homes, and specialized child-care facilities for the care of mildly ill children.

Child care facilities are child care centers or child care arrangements that care for more than five children unrelated to the operator and receive a payment, fee, or grant for the children receiving care, wherever the facility is operated and whether it is operated for profit or not for profit.<sup>20</sup> A child care facility does not include: public schools and nonpublic schools and their integral programs, except as provided in [s. 402.3025, F.S.](#); summer day camps; bible schools normally conducted during vacation periods; and certain operators of transient establishments, that provide child care solely for the guests of their establishment or resort, provided the child care personnel background screening requirements are met.<sup>21</sup>

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<sup>10</sup> S. [402.302\(1\), F.S.](#)

<sup>11</sup> S. [402.305, F.S.](#)

<sup>12</sup> S. [402.3131, F.S.](#) See also ss. [402.301](#) through [402.319, F.S.](#)

<sup>13</sup> S. [402.305\(17\), F.S.](#)

<sup>14</sup> S. [402.313, F.S.](#)

<sup>15</sup> *Id.*

<sup>16</sup> DCF, *Agency Bill Analysis HB 47* (2025), p. 3, on file with the Health and Human Services Subcommittee.

<sup>17</sup> S. [402.306, F.S.](#)

<sup>18</sup> DCF, *Agency Bill Analysis HB 47* (2025), p. 2, on file with the Health and Human Services Subcommittee.

<sup>19</sup> *Id.*, p. 3.

<sup>20</sup> S. [402.302\(2\), F.S.](#)

<sup>21</sup> *Id.*

[Family day care homes](#) are occupied residences in which child care is regularly provided for children from at least two unrelated families and which receive payments, fees, or grants for the children receiving care, whether or not operated for profit.<sup>22</sup>

Large family child care homes are occupied residences in which child care is regularly provided for children from at least two unrelated families, which receive payments, fees, or grants for the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel, one of whom must be the owner or occupant of the home, on the premises during the hours of operation.<sup>23</sup>

[Specialized child-care facilities for the care of mildly ill children](#) are child care facilities that provides child care for more than five mildly ill children unrelated to the child care operator, and receive a payment, fee, or grant for any of the children receiving care. Specialized child care facilities may provide care for mildly ill children in a facility specialized for this purpose or as a component of other child care services offered in a distinct and separate part of a regularly licensed child care facility.<sup>24</sup> Child care for mildly ill children is the care of children with short term illness or symptoms of illness or disability, provided either as an exclusive service in a center specialized for this purpose, or as a component of other child care services offered in a distinct part of a regularly licensed child care facility, for a period of less than 24 hours per day. Such programs may accept children exhibiting illnesses or symptoms for which they would be excluded from child care provided for well children.<sup>25</sup> Currently, there is only one child care program licensed as a specialized child care facility. However, no children are being actively served.<sup>26</sup>

Statewide Provider Count as of January 2, 2025 <sup>27</sup>			
	DCF	LLA	Statewide
Child Care Facilities	7,697	1,820	9,517
Family Day Care Homes	1,601	433	2,034
Large Family Child Care Homes	330	78	408
Mildly Ill Facilities	1	0	1
<b>Total</b>	<b>9,629</b>	<b>2,331</b>	<b>11,960</b>

### [Child Care Licensure Standards](#)

DCF is responsible for establishing the licensing standards that each licensed child care facility must meet. These standards must address:<sup>28</sup>

- The health, sanitation, safety, and adequate physical surroundings for all children in child care.
- The health and nutrition of all children in child care.
- The child development needs of all children in child care.

### [Child Care Personnel – Background Screening and Training Requirements](#)

DCF establishes minimum licensing standards for child care personnel, including training and background screening of personnel.<sup>29</sup> Child care personnel includes all owners, operators, employees, and volunteers working

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<sup>22</sup> S. [402.302\(8\), F.S.](#)

<sup>23</sup> S. [402.302\(11\), F.S.](#)

<sup>24</sup> Rule 65C-25, F.A.C.

<sup>25</sup> *Id.*

<sup>26</sup> DCF, *Agency Bill Analysis HB 47* (2025), p. 8, on file with the Health and Human Services Subcommittee.

<sup>27</sup> *Id.*

<sup>28</sup> S. [402.305, F.S.](#)

<sup>29</sup> *Id.*



in a child care facility.<sup>30</sup> Background screening must be conducted for all child care personnel using level 2 standards of screening. Elements of the background screening include:<sup>31</sup>

- FDLE criminal history background check;
- FBI criminal history background check;
- Criminal background check of any prior states resided within the past five years;
- Sex Offender Registry check (in Florida & any prior states resided within past five years);
- Child Abuse & Neglect check (in Florida & any prior states resided within past five years);
- Attestation of Good Moral Character; and
- Previous five-year employment history check.

A level 2 background screening typically takes a few business days to complete. However, the process may take longer if additional out-of-state records are needed, there is incomplete information, or due to variations in agency processing times,<sup>32</sup> which can delay employment of child care personnel while waiting for screening results.

DCF establishes the minimum training standards for child care personnel. DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.<sup>33</sup> The minimum standards for training must ensure that all child care personnel take an approved 40-hour [introductory course](#) in child care covering the following topic areas:<sup>34</sup>

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.
- 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 DCF, for owner-operators and child care personnel of a child care facility.
- 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.<sup>35</sup>

Mandatory training courses are currently offered online and in-person. Child care personnel are responsible for payment of each online or instructor-led course. Each online course is \$10. The cost of instructor led courses ranges from \$1 to \$10 per instructional hour.<sup>36</sup> Completion of the training is shown through passing competency exams for each course taken. Competency examinations are only administered in-person.

### *Other Child Care Licensure Standards*

DCF is also responsible for establishing minimum licensing standards for the following:

- Periodic health examinations for child care personnel.<sup>37</sup>

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<sup>30</sup> S. [402.302\(3\), F.S.](#)

<sup>31</sup> Ss. [402.302\(15\)](#), and [435.04, F.S.](#)

<sup>32</sup> When the background screening is initiated, fingerprints are sent to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI). Results from FDLE and the FBI are typically available within 24 to 48 hours; however, FDLE standards require results within 72 hours. See DCF, *Agency Bill Analysis HB 47 (2025)*, p. 5, on file with the Health and Human Services Subcommittee.

<sup>33</sup> Florida Department of Children and Families, *Child Care Facility Handbook, October 2021*, available at [https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook\\_0.pdf](https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf) (last visited March 21, 2025).

<sup>34</sup> *Id.*

<sup>35</sup> Section [402.305, F.S.](#)

<sup>36</sup> DCF, *Agency Bill Analysis HB 47 (2025)*, p. 5, on file with the Health and Human Services Subcommittee.

<sup>37</sup> S. [402.305\(2\)\(f\), F.S.](#)

- Sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.<sup>38</sup> The sanitary and safety standards also require child care facilities to provide parents of children who are in [drop-in care](#) with a communications system, such as a pager or beeper, to ensure the immediate return of the parent to the child, if necessary.<sup>39</sup>
- Admissions and recordkeeping, which must include requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information for health records of all children.
- A plan of activities that ensures 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.<sup>40</sup> The written plan must also include a program, to be implemented periodically for children of an appropriate age, to assist children in preventing and avoiding physical and mental abuse.<sup>41</sup>
- Specialized child care facilities for the care of mildly ill children.<sup>42</sup>

Current law imposes requirements related to informing parents of certain risks to their children. During the months of August and September, child care facilities must provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children. Similarly, in April and September of each year, child care facilities must notify parents of 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.<sup>43</sup>

### [Inspections of Child Care Providers](#)

DCF conducts inspections of all licensed child care providers to determine initial and renewal licensure. DCF also conducts on-going inspections to periodically assess continued compliance with licensing standards.<sup>44</sup> To ensure consistent regulation throughout the state, DCF's current enforcement model utilizes three classification levels for violations of licensing standards.<sup>45</sup>

- Class 1 violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety, and well-being of a child.
- Class 2 violations are less serious in nature than Class 1 violations and could be anticipated to pose a threat to the health, safety, or well-being of a child, although the threat is not imminent.
- [Class 3](#) violations are less serious in nature than either Class 1 or Class 2 violations and pose a low potential for harm to children.

Under current law, DCF may impose disciplinary actions, including, denial, suspension, or revocation of license, conversion of a license to probational status, and assessment of fines, if a child care provider fails to meet licensing standards. DCF may impose an administrative fine, up to \$100 per violation per day or if the violation could or does cause death or serious injury, the agency may impose a fine up to \$500 per violation per day, in lieu of or in addition to any other disciplinary action taken.<sup>46</sup>

<sup>38</sup> S. [402.305\(7\), F.S.](#)

<sup>39</sup> S. [402.305\(7\)\(c\), F.S.](#)

<sup>40</sup> S. [402.305\(13\), F.S.](#)

<sup>41</sup> *Id.*

<sup>42</sup> S. [402.305\(17\), F.S.](#)

<sup>43</sup> S. [402.305\(9\), F.S.](#)<sup>44</sup> Ss. [402.308](#) and [402.311, F.S.](#)

<sup>44</sup> Ss. [402.308](#) and [402.311, F.S.](#)

<sup>45</sup> S. [402.310, F.S.](#), and Rule 65C-22.010, F.A.C. See also DCF, *Agency Bill Analysis HB 47 (2025)*, p. 3, on file with the Health and Human Services Subcommittee.

<sup>46</sup> S. [402.310, F.S.](#)



There were 16,405 licensing inspection violations recorded during the 2023-2024 FY. Of these violations, 75 percent were classified as Class 3 violations and 803 child care providers accumulated five or more Class 3 violations during the fiscal year.<sup>47</sup>

Inspection Violations FY 23-24	
Class 1	145
Class 2	3,908
Class 3	12,352
Total	16,405

DCF utilizes the disciplinary sanctions outlined in [s. 402.310, F.S.](#), and in Rules 65C-22.010(2) and 65C-20.012(3), F.A.C. The disciplinary sanction matrix outlines the procedure for consistent enforcement of continued violations of licensing standards over a two-year period. Child care providers receive technical assistance whenever a violation occurs, regardless of its class (Class 1, 2, or 3). This assistance involves providing recommendations to help the provider comply with licensing standards. For Class 1 violations, technical assistance is offered simultaneously along with an administrative fine with the first violation. For Class 2 violations, technical assistance is offered with the first violation. When a second Class 2 violation of the same standard occurs, technical assistance is offered along with the administrative fine. For Class 3 violations, technical assistance is offered for the first and second instances of the same standard of a Class 3 violation. The provider is only subject to an administrative fine after the third occurrence of the same Class 3 violation. Subsequent Class 3 violations of the same standard would result in a per day administrative fine.<sup>48</sup>

*Abbreviated Inspections*

Under current law, DCF and the local licensing agencies are required to develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities.<sup>49</sup> Both entities are also required to develop and implement an abbreviated inspection plan for child care facilities that have had no Class 1 or Class 2 deficiencies for at least 2 consecutive years. The abbreviated inspection must include those elements identified by DCF and the local governmental agencies as being key indicators of whether the child care facility continues to provide quality care and programming.<sup>50</sup> Current law does not require abbreviated inspection plans for family day care homes or large family child care homes.

However, in 2022, DCF amended its rules (Rule 65C-20, F.A.C.) to expand the eligible provider types for abbreviated inspections to include family day care homes and large family child care homes.<sup>51</sup> The rules require abbreviated inspections for family day care homes and large family child care homes that:

- Have been licensed for at least two consecutive years.
- Have had no Class 1 violations or Class 2 violations for at least two consecutive years.
- Have received at least two full onsite renewals in the most recent two years.
- Have no current uncorrected violations.
- Have no open regulatory complaints or active child protective services investigations.

Inspections	FY 23-24
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<sup>47</sup> DCF, *Agency Bill Analysis HB 47* (2025), p. 3, on file with the Health and Human Services Subcommittee.  
<sup>48</sup> *Id.*  
<sup>49</sup> [S. 402.3115, F.S.](#)  
<sup>50</sup> *Id.*  
<sup>51</sup> DCF, *Agency Bill Analysis HB 47* (2025), p. 7, on file with the Health and Human Services Subcommittee. See also Rule 65C-20, F.A.C.

JUMP TO

SUMMARY

ANALYSIS

RELEVANT INFORMATION

Total Inspections Statewide	33,717
Abbreviated Inspections - Number	2,044
Abbreviated Inspections - Percentage	6%

### Child Care Licensure Exemptions

Under current law, a child care facility that is an integral part of a church or parochial school, and is accredited by, or is a member of, an organization that publishes and requires compliance with its standards for health, safety, and sanitation is exempt from the child care licensure requirements.<sup>52</sup> However, though exempt from licensure the facility must meet the child care personnel background screening requirements.<sup>53</sup> If the child care facility desires licensure, the facility must notify DCF to obtain a license. Once licensed, the child care facility may not withdraw its licensure and continue to operate.<sup>54</sup>

Any county or city with state or local child care licensing programs that were in existence on July 1, 1974, are authorized to continue to license the child care facilities covered under such programs until and unless the licensing agency makes a determination to exempt the child care facility from licensure.

In Florida, a business that operates an eligible child care facility that provides child care solely for the children of the employees of the business is eligible to take a [child care tax credit](#).<sup>55</sup> The credit may be taken against the business' tax liability due for several different taxes, including corporate income tax and insurance premium tax.<sup>56</sup> To be an eligible child care facility, the facility must be a licensed child care facility or be exempt from licensure pursuant to [s. 402.316, F.S.](#) Section [402.316, F.S.](#), only provides licensure exemptions for child care facilities with religious affiliations. The statute does not provide an exemption for a private business that operates a child care facility that provides child care services solely for the employees of that business.

### **Military-Operated Child Care Programs**

The Department of Defense (DoD) and the U.S. Coast Guard have very similar requirements for child care provider certifications, including background screening and training.<sup>57</sup>

DoD certifies four types of child care programs to provide care for children of military families.<sup>58</sup>

- **Child Development Centers** are centers located on military installations/bases that provide child care services for infants, pretoddlers, toddlers, and preschoolers. They operate Monday through Friday during standard work hours, and depending on the location offer full-day, part-day, and hourly care.
- **Family Child Care (FCC)** programs provide home based child care. Services are provided by qualified child care professionals in their homes on or off the military installation. FCC programs are designed for infants through school agers. Each FCC provider determines what care they offer, which may include full-day, part-day, school year, summer camp, 24/7, and extended care. Some FCC providers offer flexible operating hours, and are able to adjust their hours to accommodate requests from parents.
- **24/7 Centers** provide child care for infants through school age children in a home-like setting during both traditional and non-traditional hours on a regular basis. The program is designed to support watch standers or shift workers who work rotating or non-traditional schedules (i.e., evenings,

<sup>52</sup> S. [402.316, F.S.](#)

<sup>53</sup> S. [402.305, F.S.](#) and [s. 402.3055, F.S.](#)

<sup>54</sup> S. [402.316\(3\), F.S.](#)

<sup>55</sup> S. [402.261, F.S.](#)

<sup>56</sup> *Id.*

<sup>57</sup> Military Childcare.com, *Military-Operated Child Care Programs*, available at <https://public.militarychildcare.csd.disa.mil/mcc-central/mcchome/military-operated-child-care-programs>, and United States Coast Guard, U.S. Department of Homeland Security, *Child Development Services (CDS)*, available at <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Human-Resources-CG-1/Health-Safety-and-Work-Life-CG-11/Office-of-Work-Life-CG-111/Child-Care/>, (last visited March 21, 2025).

<sup>58</sup> Military Childcare, *Military-Operated Child Care Programs*, available at <https://public.militarychildcare.csd.disa.mil/mcc-central/mcchome/military-operated-child-care-programs> (last visited March 21, 2025).

overnights, and weekends), while other families may use a 24/7 Center if space is available; priority is given to sponsors who require 24/7 care.

- **School Age Care (SAC)** programs provide facility-based care for children from the start of kindergarten through the end of the summer after seventh grade. This program type operates Monday through Friday during standard work hours. SAC programs provide both School Year Care and Summer Camp.

All military child care providers must be licensed professionals who have obtained favorable background checks and a DoD Certificate to Operate. Each military installation's child care program ensures all providers complete a comprehensive training program that promotes developmentally appropriate intellectual, social, emotional, and physical learning.<sup>59</sup>

DoD child care certification and screening standards are typically more stringent than state child care licensing standards. Required screenings, inspections, and checks for all military-operated child care programs include:<sup>60</sup>

- Criminal history background checks for all individuals who have regular contact with children in DoD child care programs;
- Annual inspections for fire, safety, sanitation, and health;
- Multi-disciplinary team inspections that includes a parent representative; and
- Military-service headquarters inspections.

The military-service headquarters inspection covers the following programmatic areas:

- Resource management and administration;
- Personnel management;
- Background checks;
- Oversight and inspections;
- Facility;
- Fire and safety;
- Health and sanitation;
- Nutrition and food service;
- Child maltreatment and reporting;
- Supervision of children;
- Parent involvement, participation and communication; and
- Learning activities and interactions with children.

DoD required screening, inspections, and checks for FCC providers include:<sup>61</sup>

- Criminal history background checks for the applicant and all residents over 18 years old;
- Health screening and proof of immunizations for the provider and residents;
- Home inspections for fire, safety, sanitation, and preventative medicine;
- Monthly visits by an FCC staff member to observe, mentor and provide support;
- Pet certificate if the provider has a pet to show that it has the appropriate vaccinations and is safe to be around children; and
- Proof of liability insurance.

### DoD Child Care Training Requirements

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<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

DoD requires all child care providers and direct care personnel to complete 40 hours of orientation prior to working with children, with the full 40 hours completed within the first 90 days of employment. The orientation includes:<sup>62</sup>

- Working with children of different ages, including developmentally appropriate activities and environmental observations;
- Age-appropriate guidance and discipline techniques;
- Applicable regulations, policies, and procedures;
- Child safety and fire prevention;
- Child abuse prevention, identification, and reporting;
- Parent and family relations;
- Health and sanitation procedures, including blood-borne pathogens, occupational health hazards for direct care personnel, and recognizing symptoms of illness;
- Emergency health and safety procedures, including pediatric cardiopulmonary resuscitation (CPR) and first aid;
- Safe infant sleep practices and Sudden Infant Death Syndrome (SIDS) prevention;
- Nutrition, obesity prevention, and meal service;
- Working with children with special needs;
- Accountability and child supervision training;
- For FCC providers only, infant and child (pediatric) CPR and first aid must be completed prior to accepting children for care. Training shall be updated as necessary to maintain current certifications; and
- Training in business operations.

### DoD Background Screening Requirements

DoD policy dictates that all individuals who have regular contact with children under 18 years of age in DoD sanctioned child care services programs must undergo a criminal history background check, an Installation Records Check, and annually self-report changes to their criminal histories.<sup>63</sup> DoD also conducts an FBI fingerprint criminal history background check.

DoD initiates a Tier 1 Investigation (Child Care National Agency Check and Inquiry). Elements of the investigation include:

- FBI criminal history background check;
- State criminal history repository check of any former states of prospective employee;
- State child abuse and neglect repository check; and
- State sex offender registry check.

An installation records check reviews the applicant's relevant and accessible past records, with a minimum coverage of 2 years prior to the date of application and includes:

- Installation law enforcement or security records;
- Family Advocacy Program records; and<sup>64</sup>
- Alcohol, drug, and substance abuse records (including pre-employment records and the results of any random drug testing).

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<sup>62</sup> Washington Headquarters Services, *Department of Defense Instruction*, available at <https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodi/606002p.pdf> (last visited March 21, 2025).

<sup>63</sup> Washington Headquarter Services, *DoD Manual 1402.05 Background Checks on Individuals in Department of Defense Child Development and Youth Programs*, January 24, 2017, available at [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/140205\\_dodm\\_2017b.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/140205_dodm_2017b.pdf) (last visited March 4, 2025).

<sup>64</sup> A Family Advocacy Program is a DoD program designated to address domestic abuse, child abuse and neglect, and problematic sexual behavior in children and youth. FAP works on every military installation where families are assigned, and supports service members and their spouses, partners and families to prevent abuse, promote victim safety and offer treatment and rehabilitation for healing after a traumatic event has occurred. See Washington Headquarters Services, *DoD Instructions 6400.01 Family Advocacy Program (FAP)*, May 1, 2019, available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640001p.pdf> (last visited March 21, 2025).

## Special Assessments

There are over 400 municipal governments in Florida. Municipalities levy and collect special assessments to fund capital improvements and municipal services including but not limited to: fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement and parking facilities. Small municipalities with a population fewer than 100 persons may use special assessments to fund special security and crime prevention services and facilities.<sup>65</sup>

Property owned or occupied by a religious institution, a public or private elementary, middle, or high school, or by a governmentally financed, insured or subsidized housing facility that is used primarily for persons who are elderly or disabled are exempt from any special assessments levied by a municipality.<sup>66</sup> Currently, no specific exemption exists for child care facilities or preschools.

## Child Care Tax Credit

Under Florida law, a business may qualify for a child care tax credit if the business establishes or operates an eligible child care facility for its employees or pays an eligible child care facility on behalf of its employee for child care.<sup>67</sup> An eligible child care facility is a child care facility that is licensed under Florida's child care licensing requirements or a child care facility that is exempt from licensure due to its religious affiliation, pursuant to [S. 402.316, F.S.](#)<sup>68</sup>

The child care tax credit may be taken against the following Florida taxes:

- Corporate income tax;
- Excise tax on liquor, wine, and malt beverages;
- Gas and oil production tax (up to 50% of the tax due on each return);
- Insurance premium tax; and
- Use tax due under a direct pay permit.<sup>69</sup>

A business that operates an eligible child care facility may receive a credit of 50 percent of the startup costs of the facility for the taxable year in which the facility begins operating. The maximum amount of credit that may be granted is based on the number of employees as follows:

- One to 19 employees, the maximum credit is \$1 million.
- 20 to 250 employees, the maximum credit is \$500,000.
- 251 or more employees, the maximum credit is \$250,000.<sup>70</sup>

A business that operates an eligible child care facility for the taxpayer's employees may receive a credit of \$300 per month for each eligible child enrolled in the facility. The maximum amount of credit that may be granted is based on the number of employees as follows:

- One to 19 employees, the maximum credit is \$50,000.
- 20 to 250 employees, the maximum credit is \$500,000.
- 251 or more employees, the maximum credit is \$1 million.<sup>71</sup>

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<sup>65</sup> S. [170.201, F.S.](#)

<sup>66</sup> S. [170.201\(2\), F.S.](#)

<sup>67</sup> S. [402.261, F.S.](#)

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

A business that makes payment to an eligible child care facility in the name and for the benefit of an employee of the taxpayer is allowed a credit of 100 percent of the payment up to \$3,600 per child. The maximum amount of credit that may be granted is based on the number of employees as follows:

- One to nineteen employees, the maximum credit is \$50,000.
- Twenty to two hundred fifty employees, the maximum credit is \$500,000.
- Two hundred fifty-one or more employees, the maximum credit is \$1 million.<sup>72</sup>

**RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">CS/CS/HB 635</a>	McFarland	Grall	Died in House
2023	<a href="#">CS/CS/CS/HB 1021</a>	McFarland	Grall	Died in Senate