

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 738

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Burton

SUBJECT: Child Care and Early Learning Providers

DATE: March 13, 2025

REVISED: 3/14/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u></u>	<u></u>	<u>AHS</u>	<u></u>
3.	<u></u>	<u></u>	<u>FP</u>	<u></u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

Florida law directs the Department of Children and Families (DCF) to create minimum standards for the licensure of child care facilities. CS/SB 738 makes several changes to these requirements for child care. Specifically, the bill:

- Directs the DCF to codify classification levels for violations relating to the health and safety of a child.
- Provides for a 45-day provisional-hire status upon a delayed background screening of child care personnel.
- Adjusts training requirements relating to the introductory course child care personnel must take and cardiopulmonary resuscitation training.
- Limits periodic health examinations to child care facility drivers.
- Removes language that requires facilities to provide parents with pagers or beepers during drop-in child care.
- Removes the requirement for child care facilities to provide parents with information about the influenza virus and the dangers of a distracted adult leaving a child in a vehicle.
- Removes the requirement for child care facilities to develop a program to assist in preventing and avoiding physical and mental abuse.
- Removes the requirement for the DCF to develop standards for specialized child care facilities for the care of mildly ill children.

The bill allows child care facilities, family day care homes, and large family child care homes to receive abbreviated inspections, upon meeting certain conditions.

The bill requires the county commissions of the counties that elect to license their own child care facilities to annually affirm this decision to designate a local licensing agency.

The bill exempts preschools from special assessments levied by municipalities. Further, the bill provides an exemption from licensing, except for the screening of personnel, for a child care facility that solely provides child care to certain eligible children.

The bill exempts from licensure child care facilities and family day care homes that are authorized to provide child care services by the U.S. Department of Defense or the U.S. Coast Guard.

The bill has an indeterminate, but significant, negative fiscal impact on state government. *See* Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

The present situation is presented in Section III under the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Child Care Program Licensure

The Florida Department of Children and Families (DCF) provides licensing requirements for child-care programs in the state.¹ The program is accountable for the statewide licensure of Florida's child-care facilities², specialized child-care facilities for the care of mildly ill children³, large family child-care homes⁴ and licensure or registration of family day care homes.⁵ The purpose of the program is to ensure a healthy and safe environment for the children in child-care

¹ Florida Department of Children and Families, *About Child Care Licensure*, available at:

<https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure#:~:text=The%20program%20is%20accountable%20for%20the%20statewide%20licensure,licensure%20or%20registration%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

² Section 402.302(2), F.S. defines a "child care facility" as any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. Certain entities are excluded from the definition of a child care facility. *See* Section 402.302(2), F.S.

³ The term "Specialized Child Care Facilities for the Care for Mildly Ill Children" refers to a child care facility that provides child care for more than five mildly ill children unrelated to the operator, and receives 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. *See* 65C-25.001, F.A.C.

⁴ A "large family child care home" must have operated as a licensed family 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. *See* Section 402.302(11), F.S.

⁵ A "family day care home" regularly provides child care for children from at least two unrelated families and receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Family day care homes are restricted in the number of children it can provide child care to, based on the ages of the group of children in the family day care home. *See* Section 402.302(8), F.S.

settings and to improve the quality of their care. The DCF ensures that licensing requirements are met through on-going inspections of child-care facilities and homes.⁶

Local Licensing Agencies

Present Situation

Florida law allows any county whose licensing standards meet or exceed the state minimum standards to designate a local licensing agency to license child care facilities, rather than DCF licensure.⁷ Counties that do not choose to administer their own child-care licensing programs are licensed by DCF.⁸ Currently, DCF child-care licensing staff are responsible for the inspection and licensure of child-care facilities and homes in 63 out of 67 counties.⁹ Local licensing agencies regulate child care programs in the following four counties: Broward, Palm Beach, Pinellas, and Sarasota.¹⁰

The following table displays the number of providers the DCF and local licensing agencies regulate:¹¹

Statewide Child Care Facility Licensure as of January 2025			
	DCF	Local Licensing Agency	Statewide
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
Total	9,629	2,331	11,960

Effect of the Proposed Language

The bill amends s. 402.306, F.S., to require a county commission that has designated a local licensing agency to annually affirm that designation by majority vote.

⁶ *Id.*

⁷ Section 402.306, F.S.

⁸ Florida Department of Children and Families, *About Child Care Licensure*, available at: <https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure#:~:text=The%20program%20is%20accountable%20for%20the%20statewide%20licensure,licensure%20or%20registration%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

⁹ Florida Department of Children and Families, *About Child Care Licensure*, available at: <https://www.myflfamilies.com/services/child-family/child-care/about-child-care-licensure#:~:text=The%20program%20is%20accountable%20for%20the%20statewide%20licensure,licensure%20or%20registration%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

¹⁰ Florida Department of Children and Families, 2025 Agency Analysis, p. 2 (on file with the Children, Families, and Elder Affairs Committee).

¹¹ *Id.*, p. 3.

State Minimum Standards for Child Care Facilities

Present Situation

Current law requires minimum standards for child care personnel that include minimum requirements as to:¹²

- Good moral character based on level 2 background screening.
- Fingerprint submission.
- Exemptions from disqualification from working with children or the developmentally disabled.
- Minimum age requirements.
- Minimum training requirements. Periodic health examinations.
- Credentials for child care facility directors.

Background Screening: The DCF establishes minimum standards for child care personnel that include minimum requirements for good moral character based upon background screening.¹³ This screening must be conducted using the level 2 standards for screening which include employment history checks, a search of criminal history records, sexual predator and sexual offender registries, and the child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding five years.¹⁴

A level 2 background screening is a multi-agency effort and includes the Florida Department of Law Enforcement and the Federal Bureau of Investigation.¹⁵ While background screenings typically take a few business days, the request for additional out-of-state documents, incomplete information, or variations in agency processing times may delay the process of the background screening and delay employment of child care personnel.¹⁶

Training: The DCF also establishes minimum training requirements for child care personnel. The DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.¹⁷ Child care personnel must successfully complete 40 hours of child care training and pass competency examinations offered by the DCF.¹⁸ This training must commence within 90 days of employment, and be completed within one year after the date on which the training began.¹⁹ The training courses cover the following topic areas:²⁰

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.

¹² Section 402.305, F.S.

¹³ Section 402.302(15), F.S.

¹⁴ Section 402.305(2), F.S.

¹⁵ Upon the initiation of a background screening, 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* Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

¹⁶ *Id.*

¹⁷ 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 (last visited 3/5/25).

¹⁸ *Id.*

¹⁹ Section 402.305(2), F.S.

²⁰ Section 402.305(2), F.S.

- 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 five 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.

Minimum Licensing Standards

Florida law has extensive licensing requirements for child care facilities that address the health, sanitation, safety, and adequate physical surroundings for all children in child care; the health and nutrition of all children in child care; and the child development needs of all children in child care.²¹

Sanitation and Safety: Current law includes minimum standards for sanitary and safety conditions that include cardiopulmonary resuscitation (CPR). At least one staff person trained in CPR must be present at all times the children are present.²² There must be current documentation of course completion to be in compliance with Florida law.²³

Additionally, minimum safety standards require a parent whose child is in drop-in child care to receive a communications system such as a pager or beeper to ensure the child can be immediately returned to the parent.²⁴

Information: Each year, child care facilities must provide parents of children enrolled in the facility detailed information regarding:²⁵

- The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
- 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.

Written Plans: Each child care facility is required to implement a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child.²⁶

²¹ Section 402.305(1), F.S.

²² Section 402.305(7), F.S.

²³ *Id.*

²⁴ Drop-in child care refers to child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. *See* Section 402.302(6), F.S.

²⁵ Section 402.305(9), F.S.

²⁶ Section 402.305(13), F.S.

Specialized Facilities for Mildly Ill Children: The DCF oversees and implements minimum standards for specialized child care facilities for the care of mildly ill children.²⁷ The term mildly ill children refers to children with short term illness or symptoms of an 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 regularly licensed child care facility.²⁸ The DCF requires child care facilities to have one licensed health caregiver, at a minimum, that physically assesses the child; provides ongoing daily oversight; makes decisions on the exclusion of an ineligible child; and be present at the facility at all times during the hours of operation.²⁹

Violations

If a child care facility is in noncompliance with licensing standards, Florida law allows the DCF to administer disciplinary sanctions for violations.³⁰ The DCF utilizes three classification levels for violations of licensing standards.³¹

- Class 1 violations are the most serious in nature, pose an imminent threat to a child include 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 Class 1 or Class 2 violations and pose a low potential for harm to children.

The following table shows the number of violations recorded in Fiscal Year 2023-24.³²

Violations in Fiscal Year 2023-24	
Classification	Number of Violations
Class 1	145
Class 2	3,908
Class 3	12,352
Total	16,405

A majority (75%) of the violations recorded in FY 2023-24 were classified as Class 3 violations. Specifically, 803 programs accumulated over five Class 3 violations during the fiscal year.³³

Effect of Proposed Changes

The bill amends s. 402.305, F.S. to modify the minimum licensing standards child care facilities must follow. Specifically, the bill:

²⁷ Section 402.305(17), F.S.

²⁸ Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

²⁹ 65C-25.002, F.A.C.

³⁰ Section 402.310, F.S.

³¹ Florida Department of Children and Families, 2025 Agency Analysis, p. 3 (on file with the Children, Families, and Elder Affairs Committee).

³² *Id.*

³³ *Id.*

- Allows the Department of Children and Families (DCF) to create up to three classification levels of violations of licensing standards that relate to the health and safety of a child. The bill clarifies a class three violation as the least serious in nature and must be the same incident of noncompliance that occurs at least three times within a two year period.
- Requires the DCF to complete the background screening for child care personnel and provide the results to the child care facility within three business days from the receipt of the criminal history records check.
 - Upon failure to do so, the bill requires the DCF to issue the current or prospective child care personnel a 45-day provisional-hire status while all information is being requested and the DCF is awaiting results, unless the DCF believes 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.
- Requires the 40-clock-hour introductory course in child care that must be taken by child care personnel to cover specified topics areas.
- Removes the requirement for the introductory course in child care to stress an interdisciplinary approach to the study of children.
- Limits periodic health examinations to child care facility drivers.
- Requires that the required training in cardiopulmonary resuscitation (CPR) must be in-person training.
- Removes language that requires facilities that provide drop-in child care to provide pagers or beepers to parents.
- Removes the requirement for child care facilities to provide parents with information about the influenza virus and the influenza vaccine during the months of August and September.
- Removes the requirement for child care facilities to provide parents with information on the dangers of a distracted adult leaving a child in a vehicle, and resources for avoiding this occurrence, during the months of April and September.
- Removes the requirement for a program to be implemented periodically by a child care facility to assist in preventing and avoiding physical and mental abuse.
- Removes a requirement for the DCF in conjunction with the Department of Health to develop standards for specialized child care facilities for the care of mildly ill children.

Abbreviated Inspections for Child Care Facilities

Present Situation

The DCF and local licensing agencies are tasked with eliminating duplicative and unnecessary inspections of child care facilities.³⁴

Child care facilities that have had no Class 1 or Class 2 deficiencies for at least two consecutive years are eligible to receive an abbreviated inspection, rather than a full routine inspection.³⁵ Abbreviated inspections include elements identified by the DCF and local licensing agency that ensure a child care facility continues to provide quality care and programming.³⁶

³⁴ Section 402.3115, F.S.

³⁵ Section 402.3115, F.S.; and Florida Department of Children and Families, 2025 Agency Analysis, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

³⁶ *Id.*

In 2022, the DCF expanded the providers eligible for abbreviated inspections to include family day care homes and large family child care homes that meet the following criteria:³⁷

- 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 or active child protective services investigations.

The following table shows the number of inspections that were abbreviated in Fiscal Year 2023-24.³⁸

Abbreviated Inspections of Child Care Facilities FY 2023-24	
Total Inspections Statewide	33,717
Abbreviated Inspections	2,044

Effect of Proposed Changes

The bill amends s. 402.3115, F.S. to allow child care facilities, family day care homes, and large family child care homes to receive an abbreviated inspection upon meeting all of the following conditions:

- Have been licensed for at least two consecutive years.
- Have not had a Class 1 deficiency for at least two consecutive years.
- Have not had more than three of the same Class 2 deficiencies 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 complains or active child protective services investigations.

The bill removes local governmental agencies’ ability to identify elements included in the abbreviated inspection and leaves the responsibility solely to the DCF.

The bill requires the DCF to review and update the elements included in the abbreviated inspection every five years, and revise the overall plan as necessary.

Child Care Licensure Exemptions

Present Situation

Florida exempts child care facilities that are an integral part of a church or parochial school which is accredited by, or is a member of, an organization that publishes and requires compliance with its standards for health, safety, and sanitation from the child care licensure requirements.³⁹ However, child care facilities that are exempt from licensure must meet the child

³⁷ Florida Department of Children and Families, *2025 Agency Analysis*, p. 6 (on file with the Children, Families, and Elder Affairs Committee).

³⁸ *Id.*, p. 7.

³⁹ Section 402.316, F.S.

care personnel background screening requirements.⁴⁰ If the child care facility desires licensure by the DCF, the facility must notify DCF to obtain a license.⁴¹ Once licensed by the DCF, the facility cannot withdraw its licensure and continue to operate.⁴²

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 the determination to exempt the child care facility from licensure.⁴³

The Department of Defense (DoD) provides military families with access to quality, affordable Child Development Programs with the intention of improving the efficiency and retention of servicemembers.⁴⁴ The DoD is the country’s largest employer-sponsored child care program.⁴⁵

CDPs provide access and referral to available, affordable, quality programs and services that meet the basic needs of children, from birth through 12 years of age, in a safe, healthy, and nurturing environment.⁴⁶

The Department of Defense certifies four types of child care programs to provide care to children of military families.⁴⁷ The following table displays the programs DoD provides.⁴⁸

Department of Defense Sanctioned Child Care Programs	
Child Development Centers	<p>Located on military installations to offer care for infants through preschool age children.</p> <p>Provides full-day and part-day care Monday-Friday during standard work hours.</p> <p>Varies in size.</p> <p>Has DoD certification and accreditation from a national accrediting body such as the National Association for the Education of Young Children.</p>
Family Child Care	<p>Provides child care for infants through school-age children in their homes, either on or off a military installation.</p>

⁴⁰ *Id.*

⁴¹ Section 402.316(3), F.S.

⁴² *Id.*

⁴³ Section 402.316, F.S.

⁴⁴ Department of Defense, *Report to the Congressional Defense Committees on Department of Defense Child Development Programs 2020*, available at: <https://securefamiliesinitiative.org/wp-content/uploads/2021/04/Report-on-DoD-Child-Development-Programs-June-2020.pdf> (last visited 3/10/25).

⁴⁵ *Id.*

⁴⁶ DoDI6060.02

⁴⁷ Military OneSource, *Military Child Care Programs*, available at: <https://www.militaryonesource.mil/benefits/military-child-care-programs/> (last visited 3/10/25).

⁴⁸ DoDI6060.02, available at: <https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodi/606002p.pdf> (last visited 3/10/25).

	<p>Offers a flexible schedule including full-day, part-day, and school year care, summer camp, hourly care, and in some cases, 24/7 and extended care.</p> <p>Limited to no more than six children under eight years of age, and no more than three children under two years of age.</p> <p>Certified by the military installation, but individual providers may voluntarily seek national accreditation.</p>
School-age Care	<p>Provides care to children in kindergarten through sixth grade in DoD youth centers, child development centers, or other facilities.</p> <p>Provides care before and after school, during non-school days and summer vacations.</p> <p>DoD certified and accredited by a national accrediting body.</p>
Supplemental Child Care	<p>Provides short-term alternative child care options in settings located on and off military installations.</p>

There are over 460 child development centers nationwide.⁴⁹ In Fiscal Year 2019, over 200,000 children were served in a child development program.⁵⁰

Programs that provide child care must meet specific criteria to meet the requirements in the DoD Certificate to Operate.⁵¹ The criteria included in the Certificate to Operate follow general programmatic areas relating to logistics surrounding health, safety, and risk management, as well as programming criteria such as parental involvement.⁵²

Federal law provides that each facility operated by the federal government that hires individuals to care for children under the age of 18 years must undergo a criminal background check.⁵³

The background check must be⁵⁴:

- Based on a set of the employee’s fingerprints obtained by a law enforcement officer and on other identifying information;
- Conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repositories of all States that an employee or

⁴⁹ Military Installations, *Programs and Services Contacts Child Development Centers*, available at: <https://installations.militaryonesource.mil/search?program-service=29/view-by=ALL> (last visited 3/10/25).

⁵⁰ Department of Defense, *Report to the Congressional Defense Committees on Department of Defense Child Development Programs 2020*, available at: <https://securefamiliesinitiative.org/wp-content/uploads/2021/04/Report-on-DoD-Child-Development-Programs-June-2020.pdf> (last visited 3/10/25).

⁵¹ 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 3/10/25).

⁵² 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 3/10/25).

⁵³ 34 U.S.C. s. 20351

⁵⁴ *Id.*

- prospective employee lists as current and former residences in an employment application; and
- Initiated through the personnel programs of the applicable Federal agencies.

DoD Specific Child Care Background Screening Requirements

DoD requires all individuals who have regular contact with children under 18 years of age in a DoD-sanctioned child care services program must undergo a criminal history background check.⁵⁵ Additionally, individuals must undergo a reverification every 5 years.⁵⁶

The DoD initiates a background check for individuals that generally include:

- FBI fingerprint check.
- Installation Records Check (IRC)
- Tier 1 investigation with Child Care Investigation for Non-Sensitive Positions.
- State Criminal History Repository (SCHR) Check.

Child Care Training Requirements

The DoD requires all newly hired CDP personnel and FCC providers to complete 40 hours of orientation that begins prior to working with children.⁵⁷ The orientation includes:

- 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 pediatric CPR and first aid.
- Safe infant sleep practices and Sudden Infant Death Syndrome 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 CPR and first aid must be completed prior to accepting children for care. Training shall be updated as necessary to maintain current certifications.
- For FCC providers only, training in business operations.

Effect of Proposed Language

The bill amends s. 402.316, F.S. to provide an exemption from licensing, except for the screening of personnel, for a child care facility that solely provides child care to eligible children. The bill utilizes the same definition of eligible child that is used in s. 402.261, F.S., which refers

⁵⁵ DoDI6060.02, available at: <https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodi/606002p.pdf> (last visited 3/10/25).

⁵⁶ *Id.*

⁵⁷ DoDI6060.02, available at: <https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodi/606002p.pdf> (last visited 3/10/25).

to the child or grandchild of an employee of a taxpayer, if such employee is the child's or grandchild's caregiver.

The bill also exempts from licensure a child care facility or a family day care home that is authorized by the Department of Defense (DoD) or U.S. Coast Guard to provide child care services and has completed background screening by the DoD and received a favorable suitability and fitness determination. The exemption does not extend to a child care facility or family day care home that elects to serve children not eligible for care under the DoD Instruction 6060.02.

The bill gives the DCF and local licensing agencies rulemaking authority to administer provisions relating to child care licensure exemptions, including, but not limited to, assessments of previous licensure history.

Special Assessments

Present Situation

There are 67 county governments⁵⁸ and over 400 municipal governments⁵⁹ in the state of 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.⁶⁰ Small municipalities with a population of fewer than 100 persons may use special assessments to fund special security and crime prevention services and facilities.⁶¹

Florida law exempts certain properties from special assessments levied by municipalities. Currently, the following entities are exempt from special assessments:⁶²

- Property owned or occupied by a religious institution and used as a place of worship or education;
- Property owned or occupied by a public or private elementary, middle, or high school; or
- Property owned or occupied by a governmentally financed, insured, or subsidized housing facility that is used primarily for persons who are elderly or disabled.

As of 2023, there were over 8,500 licensed preschools in Florida.⁶³

⁵⁸ Florida Department of State, *County Governments*, available at: <https://dos.fl.gov/library-archives/research/florida-information/government/local-resources/fl-counties/> (last visited 3/4/25).

⁵⁹ Florida Department of State, *Florida Cities*, available at: <https://dos.fl.gov/library-archives/research/florida-information/government/local-resources/fl-cities/> (last visited 3/4/25).

⁶⁰ Section 170.201(1), F.S.

⁶¹ *Id.*

⁶² Section 170.201(2), F.S.

⁶³ Department of Children and Families, *Child Care Provider List 11-1-2024*, available at: <https://www.myflfamilies.com/sites/default/files/2023-11/Public%20-%202023-11-1%20-%20Statewide.pdf> (last visited 3/4/25).

Effect of Proposed Changes

The bill amends s. 170.201, F.S., to include properties owned or occupied by a preschool to be included in the exemption from special assessments levied by local governments and municipalities.

The bill defines a preschool as a child care facility licensed under s. 402.305, F.S.

Other

The bill updates cross references and makes other conforming changes to align statute with the substantive changes of the language.

The bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,⁶⁴ which is \$2.3 million or less for Fiscal Year 2025-2026.⁶⁵

The bill, in part, limits the authority to collect special assessments on preschools. The Revenue Estimated Conference determined that this provision in a previous version of this bill [SB 820 (2024)] would reduce the authority of local governments to raise revenue by \$4.4 million in Fiscal Year 2024-2025. Therefore, this bill may be a mandate requiring a two-thirds vote of the membership of each house of the Legislature for approval.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶⁴ FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited March 8, 2025).

⁶⁵ Based on the Demographic Estimating Conference's estimated population adopted on April 1, 2024; Florida Population Estimates by County and Municipality Estimate, available at: https://edr.state.fl.us/Content/population-demographics/data/2024_Pop_Estimates.pdf (last visited March 8, 2025).

D. State Tax or Fee Increases:

Not applicable. The bill does not impose or raise a state tax or fee which would be subject to the provisions of Article VII, s. 19 of the Florida Constitution.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 170.201, 402.305, 402.306, 402.3115, 402.316, and 1002.59

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on March 12, 2025:

- Amends technical language.
- Requires the DCF to provide background screening results to child care facilities within three business days upon receipt of the criminal history record check.
- Requires the DCF and local licensing agencies to develop and implement abbreviated inspections for family day care homes and large family child care homes.

- Removes amendments to s. 627.70161, F.S., which prevented large family child care homes from experiencing cancelation, denial, or nonrenewal of residential property insurance solely on the basis of the services provided at the residence.
- Exempts from licensure child care facilities and family day care homes that are authorized by the U.S. Department of Defense or the U.S. Coast Guard and have completed proper background screenings and receive favorable suitability and fitness determinations.
- Authorizes the DCF and local licensing agencies to adopt rules to administer provisions relating to child care licensure exemptions, including, but not limited to, assessments of previous licensure history.

B. Amendments:

None.