

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

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

**BILL #:** [HB 4033](#)

**TITLE:** Palm Beach County

**SPONSOR(S):** Gerwig

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Intergovernmental Affairs](#)

15 Y, 0 N



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill revises definitions concerning the licensure of family day care homes and large family child care homes in Palm Beach County to allow those facilities to provide services to the same number of children as allowed under general law.

### Fiscal or Economic Impact:

The Economic Impact Statement for the bill states the bill is likely to increase capacity at existing family day care homes, benefitting both families and family day care home providers.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill revises the definitions of the terms “[family day care home](#)” and “[large family child care home](#)” in [Palm Beach County](#) by removing explicit references to the number of children that may receive services in family day care or large family child care homes. Instead, the bill provides that the number of children who receive services in [family day care homes and large family child care homes](#) may not exceed the number of children allowed to receive services in such settings as provided by general law and administrative rules adopted by the Department of Children and Families. (Section [1](#))

The bill provides an effective date of upon becoming a law. (Section [2](#))

### FISCAL OR ECONOMIC IMPACT:

#### PRIVATE SECTOR:

The Economic Impact Statement for the bill states the bill is likely to increase capacity at existing family day care homes, benefitting both families and family day care home providers.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Child Care Licensure

Florida law defines child care as 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

**STORAGE NAME:** h4033a.IAS

**DATE:** 1/14/2026

accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.<sup>1</sup> Child care service providers are subject to regulation by the Department of Children and Families (DCF) or a local licensing agency, unless specifically excluded or exempted from regulation by statute.<sup>2</sup>

The licensure of child care service providers is intended to ensure a healthy and safe environment for children in child care settings and to promote their emotional and intellectual development and care.<sup>3</sup>

Any county whose child care licensing standards meet or exceed the minimum state standards may designate a local licensing agency (LLA) in their county to license child care service providers.<sup>4</sup> If a county chooses not to administer its own licensing program or has not adopted minimum standards that exceed the state minimum standards, DCF is responsible for administering child care licensing in that county.<sup>5</sup>

Currently, DCF is responsible for the licensure and inspection of child care facilities and homes in 62 of the 67 counties.<sup>6</sup> Five counties have elected to designate a LLA to regulate licensing of child care facilities and homes: Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota.

Florida law recognizes three broad categories of child care service providers that receive payment for providing services, whether the provider is for-profit or non-profit:

- Child care facilities, which are child care centers or child care arrangements that provide care for more than five children unrelated to the operator.<sup>7</sup>
- Family day care homes, which are occupied residences in which child care is regularly provided for children from at least two unrelated families.<sup>8</sup>
- Large family child care homes, which are occupied residences in which child care is regularly provided for children from at least two unrelated families, and 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. A large family child care home must have operated as a licensed family day care home for at least two 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.<sup>9</sup>

#### Family Day Care Homes and Large Family Child Care Homes Service Limitations

Family day care homes are limited to providing care for one of the following groups of children, including children living in the household under 13 years of age:

- Four children under 12 months of age.
- Six children, if no more than three are under 12 months of age.
- Six pre-school children, if all are older than 12 months of age.
- Ten children, if no more than five are of preschool age (including up to two that may be under 12 months of age).<sup>10</sup>

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

<sup>2</sup> See generally [s. 402.312, F.S.](#) (license required to operate a child care facility, family day care home, or large family child care home). See also [ss. 402.305\(1\), 402.313, and 402.3131, F.S.](#) (licensure requirements for child care facilities, family day care homes, or large family child care homes, respectively).

<sup>3</sup> S. [402.301, F.S.](#)

<sup>4</sup> [S. 402.306, F.S.](#)

<sup>5</sup> [Ss. 402.305 and 402.306\(1\)\(a\)2., F.S.](#)

<sup>6</sup> Department of Children and Families, [Child Care Licensure](#) (last visited Jan. 8, 2026).

<sup>7</sup> [S. 402.302\(2\), F.S.](#) The definition of “child care facility” does not include most school programs, residential summer camps, summer day camps, vacation bible schools, and child care services provided by transient establishments solely for the guests of their establishment or resort. S. [402.305\(2\), F.S.](#)

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

<sup>9</sup> [S. 402.302\(11\), F.S.](#)

<sup>10</sup> [S. 402.302\(8\), F.S.](#)

Large family child care homes may provide care for a maximum of eight children under 24 months of age or 12 children with no more than four children under 24 months of age.<sup>11</sup>

### Child Care Licensure Standards

DCF is responsible for establishing the licensing standards that each licensed child care facility must meet. These standards must address the health and nutrition, safety, developmental needs, and sanitary physical conditions for all children served by child care facilities.<sup>12</sup>

Family day care homes must be licensed if the facility 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.<sup>13</sup> If not subject to county licensure, a family day care home must register with DCF. All large family child care homes are licensed by DCF.<sup>14</sup>

### Regulation of Child Care in Palm Beach County

The legal framework for child care licensing in Palm Beach County is provided by special act.<sup>15</sup> The Board of County Commissioners of Palm Beach County (Board), acting as the Child Care Facilities Board, is the local licensing agency for child care facilities in the county.<sup>16</sup> The special act authorizes the Board to adopt local rules and regulations for child care facilities and family day care homes in Palm Beach County.<sup>17</sup>

The Board also appoints a Child Care Advisory Council to advise the Board and make recommendations concerning approving, denying or revoking licenses, and revisions to local child care rules and regulations.<sup>18</sup>

The Florida Department of Health in Palm Beach County is responsible for administering the child care licensing program.<sup>19</sup> This includes conducting inspections of child care centers and family day care facilities to ensure that minimum standards are met and maintained for issuing and renewing licenses. The Department of Health's child care inspectors also provide information, consultations, and technical assistance to licensed facilities and prospective facility owners and operators.

### Family Day Care Homes and Large Family Day Care Homes

The special act governing child care service providers in Palm Beach County defines a family day care home as an occupied residence where custodial care is given to one to six children and a large family day care home as an occupied residence where custodial care is regularly provided and authorizes the provider to administer care for one of the following groups of children, which includes children under 13 years of age who are related to the caregiver:

- A maximum of eight children from birth to 24 months of age.
- A maximum of 12 children with no more than four children under 24 months of age.<sup>20</sup>

### **Local Bill Forms**

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>21</sup> A legal advertisement of the proposed bill must be placed

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

<sup>12</sup> [S. 402.305, F.S.](#)

<sup>13</sup> [S. 402.313, F.S.](#)

<sup>14</sup> [S. 402.3131\(1\), F.S.](#)

<sup>15</sup> Ch. 59-1698, Laws of Fla., as amended by chs. 77-620 and [2010-249, Laws of Fla.](#)

<sup>16</sup> Florida Health, [Child Care Licensing](#) (last visited Jan. 8, 2025).

<sup>17</sup> Ch. 59-1698, s. 6, Laws of Fla., as amended by chs. 77-620 and [2010-249, Laws of Fla.](#)

<sup>18</sup> Ch. 59-1698, s. 7, Laws of Fla., as created by ch. 77-620, Laws of Fla. and amended by [2010-249, Laws of Fla.](#)

<sup>19</sup> Florida Health, [Child Care Licensing](#) (last visited Jan. 8, 2025).

<sup>20</sup> Ch. 59-1698, s. 1, Laws of Fla., as amended by ch. 77-620 and [2010-249, Laws of Fla.](#)

<sup>21</sup> [Art. III, s. 10, Fla. Const.](#)

in a newspaper of general circulation or published on a publicly accessible website<sup>22</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>23</sup> The bill was noticed in the [Palm Beach Post on November 3, 2025](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>24</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Intergovernmental Affairs Subcommittee</a>	15 Y, 0 N	1/14/2026	Darden	Burgess
<a href="#">State Affairs Committee</a>				

<sup>22</sup> [S. 50.0311\(2\), F.S.](#)

<sup>23</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>24</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Jan. 8, 2026).