

**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.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/SB 738

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

SUBJECT: Child Care and Early Learning Providers

DATE: April 1, 2025

REVISED: \_\_\_\_\_

|    | ANALYST      | STAFF DIRECTOR   | REFERENCE  | ACTION           |
|----|--------------|------------------|------------|------------------|
| 1. | <u>Rao</u>   | <u>Tuszynski</u> | <u>CF</u>  | <b>Fav/CS</b>    |
| 2. | <u>Sneed</u> | <u>McKnight</u>  | <u>AHS</u> | <b>Favorable</b> |
| 3. | <u>Rao</u>   | <u>Siples</u>    | <u>FP</u>  | <b>Favorable</b> |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 738 directs the Department of Children and Families (DCF) to create minimum standards for the licensure of child care facilities and revises several requirements. 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 those counties that elect to license their own child care facilities to annually affirm this decision through a majority vote 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 certified as a child care facility 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 and local government revenues and expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect 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.<sup>1</sup> The program is accountable for the statewide licensure of Florida's child care facilities<sup>2</sup>, specialized child care facilities for the care of mildly ill children<sup>3</sup>, large family child care homes<sup>4</sup> and licensure or registration of family day care homes.<sup>5</sup> The purpose of the program is to ensure a healthy and safe environment for the children in child care

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<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> The term "Specialized Child Care Facilities for the Care of 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.

<sup>4</sup> 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.

<sup>5</sup> 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.<sup>6</sup>

## 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 the DCF licensure.<sup>7</sup> Counties that do not choose to administer their own child care licensing programs are licensed by the DCF.<sup>8</sup> Currently, the DCF child care licensing staff are responsible for the inspection and licensure of child care facilities and homes in 63 out of 67 counties.<sup>9</sup> Local licensing agencies regulate child care programs in the following four counties: Broward, Palm Beach, Pinellas, and Sarasota.<sup>10</sup>

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

| Statewide Child Care Facility Licensure<br>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.

<sup>6</sup> 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.

<sup>7</sup> Section 402.306, F.S.

<sup>8</sup> 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%20regi%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

<sup>9</sup> 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%20regi%20of%20family%20day%20care%20homes>. (last visited 3/4/25).

<sup>10</sup> Florida Department of Children and Families, *Senate Bill 738 Agency Analysis*, p. 2 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

<sup>11</sup> *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:<sup>12</sup>

- 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.<sup>13</sup> 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.<sup>14</sup>

A level 2 background screening is a multi-agency effort and includes the Florida Department of Law Enforcement and the Federal Bureau of Investigation.<sup>15</sup> 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.<sup>16</sup>

### 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.<sup>17</sup> Child care personnel must successfully complete 40 hours of child care training and pass competency examinations offered by the DCF.<sup>18</sup> This training must commence within 90 days of employment, and be completed within one year after the date on which the training began.<sup>19</sup> The training courses cover the following topic areas:<sup>20</sup>

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<sup>12</sup> Section 402.305, F.S.

<sup>13</sup> Section 402.302(15), F.S.

<sup>14</sup> Section 402.305(2), F.S.

<sup>15</sup> 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, *Senate Bill 738 Analysis*, p. 6 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

<sup>16</sup> *Id.*

<sup>17</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 3/5/25).

<sup>18</sup> *Id.*

<sup>19</sup> Section 402.305(2), F.S.

<sup>20</sup> Section 402.305(2), F.S.

- 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 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.<sup>21</sup>

### 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.<sup>22</sup> There must be current documentation of course completion to be in compliance with Florida law.<sup>23</sup>

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.<sup>24</sup>

### Information

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

- 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.

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<sup>21</sup> Section 402.305(1), F.S.

<sup>22</sup> Section 402.305(7), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> 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.

<sup>25</sup> Section 402.305(9), F.S.

### 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.<sup>26</sup>

### 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.<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup>

### Violations

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

- 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.<sup>32</sup>

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

<sup>26</sup> Section 402.305(13), F.S.

<sup>27</sup> Section 402.305(17), F.S.

<sup>28</sup> Florida Department of Children and Families, *Senate Bill 738 Analysis*, p. 6 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

<sup>29</sup> 65C-25.002, F.A.C.

<sup>30</sup> Section 402.310, F.S.

<sup>31</sup> Florida Department of Children and Families, *Senate Bill 738 Analysis*, p. 3 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

<sup>32</sup> *Id.*

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.<sup>33</sup>

### ***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:

- 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.

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<sup>33</sup> Florida Department of Children and Families, *Senate Bill 738 Analysis*, p. 3 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

## Child Care Personnel Training and Testing

### *Present Situation*

#### Coursework Requirements

Child care personnel must complete specific mandatory introductory training. Training requirements and time frames for training completions vary for the different types of providers. Provider types subject to mandatory training include:

- Child Care Facilities: 40 hours introductory training as shown through passing competency exams. The individual must start training within 90 days after employment and complete within 15 months.
- Family Day Care Homes: 30 hours introductory training as shown through passing competency exams for operators and substitutes working 40 hours or more per month. Must be completed prior to licensure.
- Large Family Child Care Homes: 30 hours of introductory training as shown through passing competency exams for operators. Must be completed prior to licensure.
- Registered Family Day Care Homes: 30 hours introductory training as shown by proof of completion. It must be completed prior to registration.

Mandatory training courses are currently offered online and in-person. Employees are responsible for payment. Each online course costs \$10.00, while instructor-led courses typically range from \$1.00 to \$10.00 per instructional-hour.

The completion of mandatory training is shown through passing competency exams for each course taken. The Department contracts with 13 Training Coordinating Agencies (TCAs) to administer and coordinate in-person courses and exams throughout the state's 67 counties. The training fee is paid through the Department's training system and passed through to the appropriate TCA. In addition to the training fees, TCAs are paid through Department contracts to support the cost of administration of training and examinations. The combined annual total of the 13 TCA contracts is \$838,062.00. TCAs are located at some state colleges/universities, within some county school districts, or are private providers:

| Provider                                      | Annual Contract Amount |
|-----------------------------------------------|------------------------|
| Early Education and Care, Inc.                | \$134,956.50           |
| Florida State College at Jacksonville         | \$27,500.00            |
| Daytona State College                         | \$89,448.50            |
| Community Coordinated Care for Children, Inc. | \$37,686.00            |
| Child Care of Southwest Florida               | \$39,794.00            |
| Palm Beach State College                      | \$61,683.00            |
| Nova Southeastern University                  | \$65,239.00            |
| Miami Dade College                            | \$99,115.00            |
| Childhood Development Services, Inc.          | \$38,725.00            |
| Polk State College                            | \$52,249.00            |



|                                  |                     |
|----------------------------------|---------------------|
| Indian River State College       | \$42,410.00         |
| Hillsborough County School Board | \$80,891.00         |
| Pinellas County School Board     | \$68,365.00         |
| <b>Total</b>                     | <b>\$838,062.00</b> |

TCAs are responsible for entering and maintaining data in the Child Care Training Application (CCTA) relating to child care training courses and exams, maintaining all pertinent documentation related to their contracts and ensuring proper registration for student coursework. Each exam costs \$1.00 per training hour of the corresponding course; the student is responsible for paying the cost of the coursework, although some employers may pay or reimburse this cost. In FY 2023-24, TCAs collected \$3,038,070 in coursework fees from child care personnel seeking certification.

The DCF currently coordinates with 13 Training Coordinating Agencies (TCAs) to administer and coordinate in-person coursework and in-person exams. The total amount of the 13 TCA contracts is \$838,062 and the breakdown of these contracts is listed in the analysis. In addition to the funding the TCAs receive through their contract, they also receive \$1 per hour for online coursework. They also charge fees for the exams. The bill requires that the online coursework now be free.

The DCF anticipates that if the TCAs can no longer collect this money, the TCAs will need more funding from DCF to offset this loss. The TCA contracts are currently in the process of being renewed for an execution date of July 1, 2025.

#### Child Care Personnel Exam

Currently the only option for the competency exams is in person. The TCAs are responsible for scheduling and administering these in-person exams.

#### *Effect of Proposed Changes*

The bill amends s. 402.305, F.S. to require the DCF to provide online training coursework and testing at no cost to child care personnel. Additionally, the bill will now require that the DCF offer online exams.

#### **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.<sup>34</sup>

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.<sup>35</sup>

<sup>34</sup> Section 402.3115, F.S.

<sup>35</sup> Section 402.3115, F.S.; and Florida Department of Children and Families, *Senate Bill 738 Analysis*, p. 6 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

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.<sup>36</sup>

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:<sup>37</sup>

- Have been licensed for at least two consecutive years.
- Have had no Class 1 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.<sup>38</sup>

| <b>Abbreviated Inspections of Child Care Facilities FY 2023-24</b> |        |
|--------------------------------------------------------------------|--------|
| 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 complaints 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.

<sup>36</sup> *Id.*

<sup>37</sup> Florida Department of Children and Families, *Senate Bill 738 Analysis*, p. 6 (Mar. 5, 2025) (on file with the Children, Families, and Elder Affairs Committee).

<sup>38</sup> *Id.*, p. 7.

## 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.<sup>39</sup> However, child care facilities that are exempt from licensure must meet the child care personnel background screening requirements.<sup>40</sup> If the child care facility desires licensure by the DCF, the facility must notify the DCF to obtain a license.<sup>41</sup> Once licensed by the DCF, the facility cannot withdraw its licensure and continue to operate.<sup>42</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 the determination to exempt the child care facility from licensure.<sup>43</sup>

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

CDPs provide access and referral to available and 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.<sup>46</sup>

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

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<sup>39</sup> Section 402.316, F.S.

<sup>40</sup> *Id.*

<sup>41</sup> Section 402.316(3), F.S.

<sup>42</sup> *Id.*

<sup>43</sup> Section 402.316, F.S.

<sup>44</sup> 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).

<sup>45</sup> *Id.*

<sup>46</sup> DoDI6060.02

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

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

| <b>Department of Defense Sanctioned Child Care Programs</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 the 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> <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                                     | Provides short-term alternative child care options in settings located on and off military installations.                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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

Programs that provide child care must meet specific criteria to obtain a DoD Certificate to Operate.<sup>51</sup> The criteria included in the Certificate to Operate follow general programmatic areas

<sup>49</sup> 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).

<sup>50</sup> 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).

<sup>51</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 3/10/25).

relating to logistics surrounding health, safety, and risk management, as well as programming criteria such as parental involvement.<sup>52</sup>

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.<sup>53</sup>

The background check must be<sup>54</sup>:

- 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 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.<sup>55</sup> Additionally, individuals must undergo a reverification every 5 years.<sup>56</sup>

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.<sup>57</sup> 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.

<sup>52</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 3/10/25).

<sup>53</sup> 34 U.S.C. s. 20351

<sup>54</sup> 34 U.S.C. s. 20351

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

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

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

- 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 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 Department of Children and Families (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 governments<sup>58</sup> and over 400 municipal governments<sup>59</sup> 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.<sup>60</sup> Small municipalities with a population of fewer than 100 persons may use special assessments to fund special security and crime prevention services and facilities.<sup>61</sup>

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

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<sup>58</sup> 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).

<sup>59</sup> 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).

<sup>60</sup> Section 170.201(1), F.S.

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

<sup>62</sup> Section 170.201(2), F.S.

- 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.<sup>63</sup>

### ***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,<sup>64</sup> which is \$2.3 million or less for Fiscal Year 2025-2026.<sup>65</sup>

The bill, in part, limits the authority to collect special assessments on preschools. The Revenue Estimating 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 and adjusted to \$4.5 million for Fiscal

<sup>63</sup> 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).

<sup>64</sup> 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).

<sup>65</sup> 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](https://edr.state.fl.us/Content/population-demographics/data/2024_Pop_Estimates.pdf) (last visited March 8, 2025).

Year 2025-2026. 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.

**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:**

The bill will have an indeterminate, likely significant recurring negative fiscal impact on local government as the bill reduces the ability of local governments to levy special assessments on preschools. The Revenue Estimating Conference determined that this provision will reduce the authority of local governments to raise revenue by \$5.9 million in Fiscal Year 2025-2026.<sup>66</sup>

**C. Government Sector Impact:**

The bill will have a significant negative indeterminate fiscal impact on state government. The bill requires the Department of Children and Families (DCF) to provide online training coursework to child care personnel at no cost to the student. The DCF currently contracts with 13 training coordinating agencies (TCA) to administer and coordinate in-person courses and exams. Currently, TCAs receive training fees paid by child care personnel and through DCF contracts. TCAs received over \$3 million in Fiscal Year 2023-2024 from child care personnel for online coursework and \$838,062 through the DCF contracts. If the TCAs no longer charge child care personnel for the courses, the cost of the contracts that the DCF has with the TCAs could significantly increase.<sup>67</sup> The

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<sup>66</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](https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/_pdf/page193-195.pdf) (last visited March 30, 2025).

<sup>67</sup> Florida Department of Children and Families, *CS for Senate Bill 738 Analysis*, p. 6 (Mar. 10, 2025) (on file with the Senate Appropriations Committee on Health and Human Services).



bill also requires the DCF to offer competency exams for child care personnel online. The 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. Unless the cost is passed on to the employee, the DCF would be unable to absorb the cost through existing resources.<sup>68</sup>

**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.

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<sup>68</sup> Florida Department of Children and Families, *CS for Senate Bill 738 Analysis*, p. 6 (Mar. 10, 2025) (on file with the Senate Appropriations Committee on Health and Human Services).

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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