

NOTICE OF PROPOSED RULE

DEPARTMENT OF CHILDREN AND FAMILIES Office of Licensing

RULE NO.: RULE TITLE:
65C-20.008 Application
65C-20.012 Enforcement

PURPOSE AND EFFECT: Amendments update the licensing requirements for abbreviated inspections to eliminate duplicative and unnecessary inspections to align with statutory language in Chapter Law 2025-181 for Family Day Care and Large Family Day Care homes.

SUMMARY: Amendments: (1) clarifies language, (2) adds CARES as method of submitting application, (3) adds fee requirement pursuant to statute, (4) incorporates amended Handbook, (5) incorporates new forms, (6) incorporates amended classification summaries, (7) updates classifications, (8) removes differential monitoring, (9) adds requirements regarding administrative action.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 402.305, 402.309, 402.310, 402.313, 402.3131 F.S.

LAW IMPLEMENTED: 402.302(13), 402.305, 402.309, 402.310, 402.313, 402.3131 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elizabeth Floyd. Elizabeth can be reached at Elizabeth.Floyd@myflfamilies.com or 850-488-2381.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-20.008 Application.

(1) ~~A standard a~~Application for licensing, using a license or for renewal of a license to operate a family day care home must be made on CF-FSP Form 5133, May 2019, Application for a License to Operate a Family Day Care Home, which is incorporated by reference and available at

~~family/child-care CF-FSP Form 5133 may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10482>, shall be submitted initially and annually thereafter to the Department. In lieu of a standard application, the applicant may complete an online process through the Department's Child Care Administration, Regulation, and Enforcement System (CARES), which can be accessed at <https://cares.myflfamilies.com/security/login>.~~

(2) ~~A standard a~~Application for licensing, using a license or for renewal of a license to operate a large family child care home must be made on CF-FSP Form 5238, May 2019, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference and available at <https://www.myflfamilies.com/services/child-family/child-care>. ~~CF-FSP Form 5238 may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10580>, shall be submitted initially and annually thereafter to the Department. In lieu of a standard application, the applicant may complete an online process through the Department's Child Care Administration, Regulation, and Enforcement System (CARES), which can be accessed at <https://cares.myflfamilies.com/security/login>.~~ A license to operate a large family child care home may be used to operate a family day care home when the number of children in care meets the definition of a family day care home. A license to operate a family day care home cannot be used to operate a large family child care home.

(3) Each completed CF-FSP Form 5133 or CF-FSP Form 5238 must be submitted with the licensure fee pursuant to s. 402.315, F.S.

(3) through (6) are redesignated (4) through (7) No change.

(8)(7) Family Day Care Home and Large Family Child Care Home Standards. Family Day Care Homes and Large Family Child Care Homes must follow the standards found in the "Family Day Care Home and Large Family Child Care Home Handbook," (December 2025) ~~October 2024~~, incorporated herein by reference. The handbook may be obtained from the Department's website at www.myflfamilies.com/services/child-family/child-care ~~www.myflfamilies.com/childcare~~ or from the following link: <https://flrules.org/Gateway/reference.asp?No=Ref-19079> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-13928>~~.

(9)(8) The following documents and forms are also incorporated by reference as part of this rule:

(a) through (b) No change.

(c) CF/PI 175-70, December 2025, What is Influenza? A copy may be obtained from the following link:

<https://flrules.org/Gateway/reference.asp?No=Ref-19080>.

(d) CF/PI 175-12, May 2019, Distracted Adult. A copy may be obtained from the following link:

<https://flrules.org/Gateway/reference.asp?No=Ref-19081>.

~~(9) This rule will be reviewed and repealed, modified, or renewed through the rulemaking process five years from the effective date.~~

Rulemaking Authority 402.309, 402.313, 402.3131, 402.405 FS. Law Implemented 402.302(13), 402.305, 402.309, 402.313, 402.3131 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 10-25-17, 6-12-19, 1-9-22,_____.

65C-20.012 Enforcement.

This rule establishes the grounds under which the Department may issue an administrative fine, deny, suspend, revoke a license or registration or place a licensee or registrant on probation status as well as uniform system of procedures to impose disciplinary sanctions.

(1) Definitions.

(a) through (g) No change.

(h) “Violation” is a noncompliance with a licensing standard as described in an inspection report resulting from an inspection under Section 402.311, F.S., as follows regarding Class I, Class II, and Class III Violations and any other non-compliant standards.

1. “Class I Violation” is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5318, ~~(December 2025) May 2019~~, Family Day Care Home Standards Classifications Summary and CF-FSP Form 5317, ~~(December 2025) October 2021~~, Large Family Child Care Home Standards Classification Summary, which is incorporated by reference. A copy of CF-FSP Forms 5318 and 5317 may be obtained from the Department’s website www.myflfamilies.com/services/child-family/child-care ~~www.myflfamilies.com/childcare~~ or from the following links: <https://flrules.org/Gateway/reference.asp?No=Ref-19082>

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-10486>,~~ and

<https://flrules.org/Gateway/reference.asp?No=Ref-19083> ~~[http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-13927)~~

~~13927~~. However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to

a Class I violation. Class I violations are the most serious in nature.

2. No change.

3. "Class III Violation" is an incident of noncompliance that occurs at least three times within a 2-year period with an individual Class III standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class III violations are less serious in nature than either Class I or Class II violations.

(2) No change.

(3) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions for all Class I violations and for repeated Class II, ~~and Class III, and other non-compliant standard~~ violations shall be applied progressively for each ~~standard violation~~. The documents entitled, Reconciliation of 2009 and 2017 Family Day Care Home Standards Classification Summaries and Reconciliation of 2009 and 2017 Large Family Child Care Home Standards Classification Summaries, CF-FSP Form 5422 and CF-FSP 5421, October 2017, which are incorporated into this rule, provide an alignment of the 2009 and 2017 Classification Summaries for purposes of progressive enforcement. A copy may be obtained at the following links: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08755>, and <http://www.flrules.org/Gateway/reference.asp?No=Ref-08756>. In addition, providers will be offered technical assistance in conjunction with all violations. The classification of standard violations within the Family Day Care Home Standards and Large Family Child Care Home Classification Summaries and the progressive disciplinary actions prescribed for each class by this rule are based on the provisions of Section 402.310(1)(b), F.S.

(b) through (c) No change.

(d) Failure to submit a completed CF-FSP Form 5133, Application for a License to Operate a Family Day Care Home, which is incorporated by reference in subsection 65C-20.008(1), F.A.C., or CF-FSP Form 5238, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference in paragraph 65C-20.008(2), F.A.C., for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. A \$100.00 late fine will be imposed and must be paid before the license is renewed. ~~The department shall issue an administrative complaint imposing a fine of \$50.00 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period.~~

(e) Disciplinary sanctions for licensing violations shall be progressively enforced as follows:

1. through 2. No change.

3. Class III Violations.

a. For the third violation of the same non-compliant Class III standard that is not classified as a Class I or Class II, the Department shall deem the standard a Class III standard and impose a fine of \$25.00 for each violation. This violation, and subsequent violations of the same standard within a two-year period will be classified as “Class III.”

b. through d. No change.

(4) A license will not be renewed if a licensee has not paid all previously owed fines to the Department.

~~Differential Monitoring-~~

~~(a) Eligibility. To be eligible for an inspection under the differential monitoring method, the home must:~~

~~1. Be licensed for at least 24 consecutive months;~~

~~2. Have received at least two on-site renewal inspections in the most recent 24 months;~~

~~3. Have no citations for any Class I or Class II violations within the most recent 24-month period; and,~~

~~4. Have no current uncorrected violations.~~

~~5. Have no open regulatory complaints nor active Child Protection Service investigations.~~

~~(b) Inspection. The inspection will measure compliance with the Key Indicator System Standards, the Supplemental Standards, and five randomly selected standards. If one or more violations of a Class I or Class II level are identified, the provider will no longer be eligible for an abbreviated inspection and will be subject to a full inspection.~~

(5) Administrative Action. In response to an intent to deny, revoke or a cease-and-desist letter from the Department, the existing provider shall provide the Department with a list of all currently enrolled children and their primary caregiver’s contact information. Department regional staff will attempt to contact at least one primary caregiver for each enrolled child to inform them of impending actions against the provider to allow families time to seek other care if they so choose. Access. The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

(6) Access. The family day care home or large family child care home operator must allow access to the entire premises of the home to inspect for compliance with minimum standards. Access to the family day care home or large family child care home also includes access by the parent, legal guardian, and/or custodian, to their child(ren)

while in care.

Rulemaking Authority 402.310, 402.313, 402.3131, 402.305 FS. Law Implemented 402.305, 402.310, 402.313, 402.3131 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 10-25-17, 6-12-19, 1-9-22, Amended 7-28-22,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Courtney Smith

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Taylor N. Hatch

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2025