

NOTICE OF PROPOSED RULE

DEPARTMENT OF CHILDREN AND FAMILIES Office of Licensing

RULE NO.: RULE TITLE:
65C-22.001 General Requirements
65C-22.010 Enforcement

PURPOSE AND EFFECT: Amendments update the licensing standards; requirements regarding exemptions; and requirements for safe school officers for child care facilities pursuant to Chapter Laws 2025-58 and 2025-181. Amendments will also delete obsolete rule provisions and streamline licensing processes for childcare agencies.

SUMMARY: Amendments: (1) clarifies language, (2) adds CARES as method of submitting application, (3) incorporates amended Handbook, (4) incorporates amended brochure, (5) incorporates amended classification summaries, (6) amends disciplinary sanctions, (7) 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 F.S.

LAW IMPLEMENTED: 402.305, 402.309, 402.310, 402.319, 402.3054, 402.3055, 402.308, 402.310, 435.05 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.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-22.001 General Requirements.

(1) Application.

(a) ~~A standard a~~Application for licensing, using a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, May 2019, Application for a License to Operate a Child Care Facility,

which is incorporated by reference and available at <https://www.myflfamilies.com/services/child-family/child-care>; CF-FSP Form 5017 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-10461>, 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>.

(b) No change.

(c) The completed CF-FSP Form 5017 must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation, and must include background screening clearance documents for the owner/operator/director, and an approved fire inspection or an alternative fire safety plan approved by the Department and the local fire marshal office. Child care facilities that have a well system must maintain current written records indicating the well system meets the requirements of the Department of Health on an annual basis.

(d) No change.

(2) No change.

(3) License.

(a) through (c) No change.

(d) The Department may issue a provisional license allowing a facility to operate for a designated period of time while working to correct one or more licensing standard(s) not met, provided the owner is making adequate provisions to ensure the health and safety of the children in care. A provisional license may not be issued as the initial license and is a not a disciplinary sanction.

(4) Change of ownership.

(a) At least one week prior to changing ownership of a child care facility, in compliance with Section 402.305(18), F.S., one of the following methods of notification to custodial parents or legal guardians must be observed:

1. through 3. No change.

(b) through (c) No change.

(5) No change.

(6) Child Care Standards. Child care programs must follow the standards found in the “Child Care Facility 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-19085> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-13954~~.

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

(a) through (k) No change.

~~(l) CF FSP Form 5337, October 2017, Child Abuse and Neglect Reporting Requirements. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08740>.~~

~~(l)(m) CF/PI 175-24, (December 2025) March 2014, Know Your Child Care Facility. A copy may be obtained from the following link: <https://flrules.org/Gateway/reference.asp?No=Ref-19086> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08017>.~~

~~(n) CF/PI 175-70, May 2019, Influenza Virus, Guide to Parents. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-11269>.~~

(o) through (q) are redesignated (m) through (o) No change.

~~(p)(r) CF-FSP 5429, Child Care Food Program Meal Pattern for Children (CCFP), June 2024 October 2017. Copies may be obtained from the following link: <https://flrules.org/Gateway/reference.asp?No=Ref-19087> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10475>.~~

~~(q)(s) CF-FSP 5428, Child Care Food Program Meal Pattern for Infants, June 2022 October 2017. Copies may be obtained from the following link: <https://flrules.org/Gateway/reference.asp?No=Ref-19088> <http://www.flrules.org/Gateway/reference.asp?No=Ref-10474>.~~

(t) through (w) are redesignated (r) through (u) No change.

~~(x) CF/PI 175-12, May 2019, Distracted Adult. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-11263>.~~

Rulemaking Authority 402.305, 402.309, 402.310 FS. Law Implemented 402.305, 402.309, 402.319, 402.3054, 402.3055, 402.308, 402.310, 435.05 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 8-1-13, 10-25-17, 1-29-20, 1-9-22, 4-30-25,_____.

CF/PI 175-24, Know Your Child Care Facility, is substantially rewritten. See F.A.C. for present text at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08017>.

CF-FSP 5429, Child Care Food Program Meal Pattern for Children (CCFP), is substantially rewritten. See F.A.C. for present text at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10475>.

CF-FSP 5428, Child Care Food Program Meal Pattern for Infants, is substantially rewritten. See F.A.C. for present text at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10474>.

65C-22.010 Enforcement.

This rule establishes the grounds under which the Department shall 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 (d) No change.

(e) “Violation” means noncompliance with a licensing standard as described in an inspection report resulting from an inspection under Section 402.311, F.S., as follows with regard to 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 5316, (December 2025), ~~October 2024~~ Child Care Facility Standards Classification Summary and CF-FSP Form 5427, (December 2025) ~~October 2024~~, School-Age Child Care Facility Standards Classification Summary, which are incorporated by reference. Copies of the CF-FSP Form 5316 and CF-FSP Form 5427 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 links: <https://flrules.org/Gateway/reference.asp?No=Ref-19089> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-13964~~ and <https://flrules.org/Gateway/reference.asp?No=Ref-19090> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-13965~~. 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. The effective date of a termination of a provider’s Gold Seal Quality Care designation is the date of the Department’s written notification to the provider. 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 5316. Class III violations are less serious in nature than either Class I or Class II violations.

(2) 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 document entitled, Reconciliation of 2012 and 2017 Child Care Facility Classification Summaries, CF-FSP Form 5420, October 2017, which is incorporated into this rule, provides an alignment of the 2012 and 2017 Child Care Facility Classification Summaries for purposes of progressive enforcement. A copy of the CF-FSP Form 5420 may be obtained from the Department's website or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08741>. In addition, providers will be offered technical assistance in conjunction with all violations. The classification of standard violations within the Child Care Facility Standards Classification Summary and the progressive disciplinary actions prescribed for each class by this rule are based on the provisions of Section 402.310(1)(b), FS.

(b) No change.

(c) Failure to submit a completed CF-FSP Form 5017, Application for a License to Operate a Child Care Facility, which is incorporated by reference in paragraph 65C-22.001(1)(a), 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 impose an administrative 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.~~

(d) 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 an administrative fine of \$25.00 for each such violation. This violation, and subsequent violations of the same standard within a 2-year period will be classified as "Class III".

b. through d. No change.

(3) No change.

(4) A license will not be renewed if a licensee has not paid all previously owed fines to the Department. ~~This rule will be reviewed and repealed, modified, or renewed through the rulemaking process five years from the effective date.~~

(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.

Rulemaking Authority 402.305, 402.310 FS. Law Implemented 402.305, 402.310 FS. History—New 5-1-08, Amended 1-13-10, 8-1-13, 10-25-17, 6-12-19, 1-9-22,_____.

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