Child Care Facility
Rules and Regulations

Participant’s Guide
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Acknowledgements

Dear Training Participant,

This course is the result of months of work by many dedicated individuals. Although the work they contributed was very diverse, they united for a single purpose: to improve the lives of children and child care professionals throughout the State of Florida. Toward this goal, the Florida Department of Children and Families (DCF) and Florida State University’s Florida Center for Interactive Media (FCIM) became partners to revise the materials used in these courses:

- Behavioral and Observation Screening
- Child Abuse and Neglect
- Child Growth and Development
- Child Care Facilities Rules and Regulations
- Family Child Care Home Rules and Regulations
- Health, Safety and Nutrition

The Department of Children and Families would like to extend heartfelt gratitude to the teams of people who played a key role in improving course materials and competency exams offered to child care professionals in Florida. They are:

Project Leadership Team

The Project Leadership Team built cohesive, motivated teams of credentialed professionals and ensured that the project’s vision was communicated successfully throughout the State.

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The Florida Department of Children and Families would also like to extend sincere appreciation to the students who participated in the field tests, whose critique enriched the materials significantly.

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**Writing and Editing Team**

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**Production Team**

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**Ryan Wilke, Test and Measurement Specialist, Florida Center for Interactive Media**

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Training Coordinators Team

The Training Coordinators Team, responsible for training child care trainers throughout the State, offered their expert opinion throughout the project on the content of courses and exams.

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Support Services Team

The Support Services Team provided administrative support during the project, ensuring an efficient exchange of information through multiple agencies and organizations.

Georgia Jahns
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The Florida Department of Children and Families conducts courses and competency exams to fulfill its mission to “ensure the health, safety and well-being of the children of the state” as mandated by the Florida Statutes and Florida Administrative Code. The Florida Center for Interactive Media is pleased to join the Department of Children and Families in presenting these materials, and hopes this project will further the physical, intellectual and emotional welfare of the thousands of children enrolled in child care each year.

Michael Ferguson, Executive Director
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## Record of Changes

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Overview
This module defines the legal roles and responsibilities of child care professionals and provides an introduction to regulatory agencies. It introduces the Florida Statutes, the Florida Administrative Code, and the Americans with Disabilities Act, and describes the primary responsibilities of the Florida Department of Children and Families.

Module Goal
The goal of this module is to ensure child care professionals recognize the primary laws which govern child care in Florida, and understand the role of the regulatory agencies that enforce those laws.

Learning Objectives
Participants will understand how the law defines their roles and responsibilities as child care professionals. Participants will understand that regulatory agencies are involved in licensing and inspecting child care programs.
Module 1 Introduction

Welcome to the 6 hour course, Child Care Facility Rules and Regulations.

Module 1 will provide an overview and an introduction to the law for child care facilities.

It is very important for all child care providers to know, understand, and follow the laws that govern child care in the State of Florida. Child care laws, rules, and regulations are in place to protect children, families, and child care professionals.

This class presents information found in the Florida Statutes and rules and regulations created by the Department of Children and Families, which are found in the Florida Administrative Code.

We will also discuss the Americans with Disabilities Act and how it impacts your work.

It is also very important to learn the local city and county laws, codes, and ordinances that impact your program and follow them as well.

**Key Point:** It is very important for all child care providers to know, understand, and follow the laws that govern child care in the State of Florida. Child care laws, rules, and regulations are in place to protect children, families, and child care professionals.

Here are the websites for the Florida Statutes, the Florida Administrative Code, the Department of Children and Families, and the ADA. Visiting them on a regular basis will help keep you current with the law.

The Department of Children and Families: [http://www.myflorida.com/childcare/](http://www.myflorida.com/childcare/)

Florida Statutes: [http://www.leg.state.fl.us/Welcome/](http://www.leg.state.fl.us/Welcome/)

Florida Administrative Code: [http://www.flrules.org](http://www.flrules.org)


In addition to going on the Internet, what are some other ways to keep track of changes in laws, rules, and regulations that affect us?
Why is it important that laws are understood and followed?

The laws, rules, and regulations that govern child care are in place to protect children.

**Key Point:** Laws, rules, and regulations relating to child care exist in Florida to protect children from abuse, neglect, injury, and exploitation.

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**Activity: Name that Agency!**

1. Florida Department of Children and Families
2. Local Fire Department
3. Local County Health Department
4. Local Licensing Agencies

___ This agency determines state rules pertaining to child care and enforces these rules by licensing and inspecting child care facilities.

___ This agency inspects child care facilities and educates child care professionals about minimizing fires and other threats to safety.

___ This agency determines ordinances pertaining to public health and inspects child care facilities to enforce these ordinances.

___ This agency establishes, regulates, and enforces rules and local ordinances, which must meet or exceed state standards.
The Florida the Department of Children and Families, local licensing agencies, county health departments, county fire departments and many other agencies, organizations, and entities work together to establish laws, rules, and regulations which support the children of Florida.

The Florida Department of Children and Families’ role is to put into place rules and regulations which uphold the statutory provisions and the legislative intent of those statutes. They also enforce laws, rules, and regulations. They do all of this to protect Florida’s children.

**Key Point:** The Florida Department of Children and Families Child Care Program’s mission is to “ensure the health, safety, and well-being of the children of the state while in care through licensing and regulatory activities. The purpose of this program is to ensure that children are well cared for in a safe, healthy, positive, and educational environment by trained, qualified child care staff.”

- The ____________ are made up by the individual laws which were passed by the Legislature. Each year, new statutes appear for the first time, some are rewritten or amended, and some stay the same. Statutes are written and proposed by the Florida Senate and House of Representatives. They are signed into law by the governor.

- The ____________ is made up of the rules that are created by the Department of Children and Families and enforced by the Department of Children and Families and many other state and local agencies. Rules and regulations are based on the Florida Statutes. The Florida Department of Children and Families governs many aspects of child care in the state, and its staff members write the rules and regulations that appear in the Florida Administrative Code.

- The ____________, passed in 1990, prohibits discrimination against people who are handicapped or disabled. It calls for “reasonable accommodation” of the needs of people who are handicapped or disabled. Its goals are to promote community integration by prohibiting discrimination based on disability; to create early intervention services for infants and toddlers (ages birth to 3 years) with special needs and their families; and to provide non-discriminatory, multidisciplinary evaluation by qualified professionals.

**Key Point:** Non-compliance with the Florida Administrative Code and the Florida Statutes relating to child care may result in a denied, suspended or revoked license.

As a child care professional, it is your personal responsibility to know and understand the laws that affect you and your work.
Module 1 Summary

Module 1 introduced the:

- role of the Florida Statutes in the provision of child care in Florida.
- role of the Florida Administrative Code in the provision of child care in Florida.
- role of the Americans with Disabilities Act in the provision of child care in Florida.
- role of the Department of Children and Families in the provision of child care in Florida.
- reasons that laws, rules, and regulations are created.
Overview
In this module, participants will study the Florida Statutes and how the specific statutes impact their daily work as child care professionals.

Module Goal
The goal of this module is to ensure child care professionals understand how the Florida Statutes determines their roles and responsibilities as child care professionals.

Learning Objective
Participants will gain a greater understanding of the role of the Florida Statutes in the provision of child care in Florida.
Participants will understand specific Florida Statutes related to child care in Florida.
Participants will be able to apply knowledge of the Florida Statutes as it relates to their daily work as child care providers.
Introduction to the Florida Statutes for Child Care Facilities

- The Florida Statutes contain 48 __________________________, or topic areas. The statutes that govern child care are found in Title XXIX (29), Public Health.

- These 48 titles are divided into 1,013 __________________________. The statutes we are interested in are found in Chapter 402, Health and Human Services.

- All chapters are divided into __________________________, and each section may have several __________________________. The sections we are interested in are found in Chapter 402, Section 26 through 319.

What is the address for the Department of Children and Families’ child care website?

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402.26 Child care; legislative intent.—

The primary role of the child care professional is to

- Keep children __________________________.
- Provide good __________________________ and a healthy environment.
- Create an environment for __________________________.

Key Point: The child care provider supplements and enhances the role of parents and guardians and is the Florida Department of Children and Families’ partner to “protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care.”

402.281 Gold Seal Quality Care program.—

Gold Seal Quality Care designation is given to a child care program that is accredited by a nationally recognized association.

Notes:
402.302 Definitions.—

402.302(3), Florida Statute specifically set out a definition of care personnel. What is the purpose of defining child care personnel?

402.302(13). A child care facility is owned by a licensed corporation, but it has hired a director who oversees day-to-day operations. The corporation has strong written policies which govern the director’s actions, and the director has to follow them by contract. Which one is considered the operator? Why do you feel this distinction is made in the statutes?

What agencies work with child care facilities to assess the background of child care personnel?

- ____________________________
- ____________________________
- ____________________________

What kinds of records are checked during a screening?

Name the current Secretary of the Department of Children and Families.

______________________________
Florida Statute 402.305: Licensing

402.305 Licensing standards; child care facilities.—

Part 1 states that the Department of Children and Families must:
• establish licensing standards for all facilities.
• address issues related to health, sanitation, physical surroundings, health and nutrition, and child development.
• consider fire safety in its licensing standards.
• adopt rules for licensing that enforce the standards.

Where can we find out more about the Staff Credential or other opportunities for training?

What do we notice about the ratio of staff-to-children regarding the age of the child? Why is this?

What is confidentiality?
What are some of the ways we can be effective communicators with parents and guardians?

- Try to do most communication with families in a ____________________________ setting.
- Focus ____________________________, not the person.
- Be ____________________________
- Be polite; ____________________________ when another person is expressing an idea or concern.
- Talk slowly and ____________________________ clearly.
- Avoid ____________________________, such as “uh”, “um”, “like”, “you know”, and “you know what I mean/I’m saying.”
- Check for ____________________________
- Use ____________________________ whenever necessary to communicate complex ideas.
- Address people by their ____________________________ (Say, “Mrs. Smith,” “Mr. Jones,” “Dr. Johnson,” for example.) Always ask before you use a person’s first name.
- At the conclusion of a conversation or meeting, ____________________________ what you believe you heard the other person say.
- ____________________________ are informational documents that are distributed on a regular basis to parents to inform them of upcoming and past events.
- ____________________________ are areas of the child care facility where special information and products from activities with children are shared with the parents. They can provide daily updates to parents on meals, learning activities, and events that happen at the center.
- ____________________________ are collections of a child’s activities and work. They are used to share the interests and accomplishments of the child with the families.

Are the following forms of discipline allowed by Florida Statute and Department of Children and Families Rule?

- Withholding food during snack-time. ____________________________
- Saying, “Don’t be like Jimmy. He’s being a bad boy.” ____________________________
- Denying repeated requests to use the restroom. ____________________________

What is the best way of disciplining children in your care?
Florida Statute 402.3055: Child Care Personnel Requirements.—

402.3055 Child care personnel requirements.—

- The licensing agency ____________________________________________ the applicant, in writing, that the license has been denied, and states why that decision was reached.

- If the Department of Children and Families rejected the applicant, a child care program may require a hearing process outlined by another statute.

- If a local licensing agency denied the application, the applicant has ______________________________ days to file a written request for a hearing.

- The local licensing agency must hold that hearing within ______________________________ days of the applicant's request.

- If the denial stands, the applicant may ______________________________ to the Department of Children and Families. The Department of Children and Families' hearing must be held as described by statute.
Florida Statute 402.307: Approval of Licensing Agency.

402.307 Approval of licensing agency.

- “Promulgation” means “____________________________.” This first subsection says that when the Department of Children and Families announces minimum state standards, each county in Florida has to provide it with a copy of its own minimum standards if they are different from the State’s.

- Each county also has to tell the Department of Children and Families how it plans to ________________________________.

- The Department of Children and Families will review local minimum standards. If they ________________________________ the Department of Children and Families’ standards, the Department of Children and Families will ________________________________ a local licensing agency.

- The Department of Children and Families renews its approval ________________________________.

- If the Department of Children and Families learns that the local licensing agency is not applying the Department of Children and Families’ minimum standards, it notifies the local county commission.

- Local licensing agencies must provide the Department of Children and Families with data about child care in its county ________________________________.
Florida Statute 402.308: Issuance of License; Florida Statute 402.309: Provisional Licenses; Florida Statutes 402.310: Disciplinary Actions

402.308 Issuance of license.—

- Every child care program in Florida is licensed _________________.
- If there is a ____________________________, a new license is required.
- Applicants must disclose their __________________________ number to the Department of Children and Families.
- Programs undergo an __________________________ to determine that the State’s minimum standards are being met.
- The Department of Children and Families must __________________________ inspections, and if there are conflicts between inspectors, it must resolve them.
- If a __________________________ has been submitted and __________________________ are met, a license will be issued.
- A license will not be issued to any facility that has a staff member who __________________________ the screening process.

402.309 Provisional license.—

A provisional license may be issued to a facility which is out of compliance but can complete corrective action within __________________________ months.

Key Point: The Florida Statutes determine elements the Department of Children and Families must use in writing rules that regard licensing child care facilities, personnel, and local licensing agencies in Florida.
402.310 Disciplinary actions; hearings upon denial, suspension, or revocation of license; administrative fines.—

- ________________ can be levied against a licensee that is out of compliance.

- A license can be converted to ________________ for a period of up to 6 months, and the probation-status license can be ________________ if corrective action is not taken. No probation-status license may be ________________.

- DCF can deny, suspend, or revoke a license without placing it on ________________ first.

- ________________ of violation, ________________ taken by the licensee, and ________________ violations are taken into consideration when determining disciplinary action.

- ________________ establishes the grounds for revoking, suspending, or denying a license, or placing a license on probation-status, and ________________ establishes the system of imposing sanctions.

- Disciplinary actions are ________________ across the state and ________________ according to the nature of the violation.

- When administering disciplinary actions, the Department must follow the procedures outlined in Chapter 120 of the ________________ and ________________.

- Licensees have the right to ________________ the action of the Department or Local Licensing Authority.
Florida Statute 402.311: Inspection; Florida Statute 402.312: License required; Florida Statute 402.3125 Display and appearance of license; posting of violations; information to be provided to parents

402.311 Inspection.—

Where can you find out what kinds of things the Department of Children and Families might look for during an inspection?

402.312 License required; injunctive relief.—

In order to read this statute correctly, we need to know what the definition of the word, “injunction.” What is an injunction?

Key Point: The Florida Statutes determine the elements the Department of Children and Families must use in writing rules that govern inspections and disciplinary actions related to licensing.

402.3125 Display and appearance of license; posting of violations; information to be provided to parents

What is the name of the Department of Children and Families brochure on selecting a child care provider and where can it be obtained?
We see that child care programs pay license fees, and that if the fees are collected by the Department of Children and Families, they are held in a trust fund and given to the department the following fiscal year. The Department of Children and Families has to spend the money on a certain activity.

What is it?

Key Point: The Florida Statutes determine the elements the Department of Children and Families must use in writing rules that govern licensing fees and the use of the money the fees generate.

Child care facilities may provide 24-hour care for a child for up to 72 hours in one 7-day period, providing that the parent provides a written notice from the employer stating these 24-hour shifts are required by the terms of employment. This certification must be kept on file by the facility and made available to the licensing agency.

Can anyone name a job that might demand that a person work a 24-hour shift?

A person commits a misdemeanor if he or she doesn’t include a license number on an advertisement for a child care facility.
Choosing not to adhere to the Florida Statutes’ and the Florida Administrative Code’s rules regarding child care has serious consequences.

A person has committed a ____________________________ in the first degree if he or she:

- lies about a child care program on an application.
- operates, or attempts to operate, without a license.
- operates, or attempts to operate, with a suspended, revoked, or terminated license.
- lies about being licensed.
- lies to a parent or guardian, a licensing authority, or law enforcement about:
  - the number of children in care.
  - the part of the home used for child care.
  - credentials.
  - screening.
  - training.

If a child is harmed, that person has committed a 2nd degree felony.

Key Point: The Florida Statutes determine the elements the Department of Children and Families must use in writing rules that govern penalties against child care providers and child care workers.
Module 2 Summary

Module 2 introduced the:

- role of the Florida Statutes in the provision of child care in Florida.
- specific Florida Statutes related to child care in Florida.
- application of knowledge of the Florida Statutes as it relates to your daily work as child care providers.
Overview
This module will discuss the role and responsibilities of the child care professional regarding the Americans with Disabilities Act.

Module Goal
The goal of this module is to understand how the Americans with Disabilities Act determines the roles and responsibilities of child care professionals.

Learning Objectives
Participants will gain a greater understanding of the role of the Americans with Disabilities Act in the provision of child care in Florida.
Participants will understand specific Americans with Disabilities Act provisions related to child care in Florida.
Participants will be able to apply knowledge of the Americans with Disabilities Act as it relates to their daily work as child care providers.
Module 3 The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act prohibits discriminating against people who have a disability. What is a disability?

According to the EEOC (U.S. Equal Employment Opportunity Commission) website at www.eeoc.gov/types/ada.html, the ADA defines a disability as an individual with a disability is a person who:

- has a ___________________________, or ___________________________, impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

Key Point: The ADA is a law that prohibits discrimination against people who have a physical or mental impairment.

State to the class:

For more information about the ADA:

website: www.ada.gov
telephone: (800) 514-0301
The ADA and You

The Americans with Disabilities Act helps children with disabilities because it:

- prohibits ______________ in employment, public services, public accommodations, and transportation.
- promotes ______________ by prohibiting discrimination based on disability.
- creates early intervention services for ______________ and ______________ (ages birth to 3 years) with special needs and their families.
- provides a non-discriminatory, multidisciplinary ______________ by qualified professionals.
- provides related services, including ______________ and such supportive services that are required to assist a child to benefit from special education.
- assures ______________ involvement and consent in all aspects of the educational process.
- assures ______________ of records.

**Key Point:** The ADA benefits children with disabilities by helping them get the assistance they need.
Activity: Questions and Answers about the ADA

• If I hire a nurse or an aide for a child with disabilities, is “reasonable accommodation”?

• Must I accept any child who applies for my program?

• What is “reasonable accommodation”?

• Can I charge higher tuition for a child who is likely to require more attention than other children?

• What sort of accommodations may be required of my program?

• You need to consider ________________________ child on an ________________________ basis.

• Using ________________________ to form ideas about people is not a good decision-making process.

• You should consider the difficulty of meeting a need when making an enrollment decision. It may be easier than you might think.

• ________________________ in good faith.

• Determine what ________________________ are available to help you accommodate a child with special needs.
You _____________________________ charge more for services provided to a child with a disability.

If you need to make _______________________________ to your building, seek community assistance.

**Activity: Caring for the Child with Special Needs**

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**Key Point:** Including a child with a disability in your program allows every person in your facility program to increase their skills in forming relationships with people who are different from themselves.

**Key Point:** When you include a child with special needs in your program, you make a positive impact on the lives of many people.

Where can you find out more about serving populations with special needs?
Module 3 Summary

Module 3 introduced the:

- role of the Americans with Disabilities Act in the provision of child care in Florida.
- specific Americans with Disabilities Act provisions related to child care in Florida.
- application of knowledge of the Americans with Disabilities Act as it relates to your daily work as a child care provider.
Overview:
In this module, you will study the Florida Administrative Code and how specific rules impact your daily work as a child care professional.

Module Goal:
The goal of this module is to ensure child care professionals understand how the Florida Administrative Code determines their roles and responsibilities.

Learning Objective:
Participants will gain a greater understanding of the role of the Florida Administrative Code in the provision of child care in Florida.
Participants will understand specific rules in the Florida Administrative Code related to child care in Florida.
Participants will be able to apply knowledge of the Florida Administrative Code as it relates to their daily work as child care providers in key business practices.
Module 4: The Florida Administrative Code

Like the Florida Statutes, the Florida Administrative Code (F.A.C.) is divided into chapters with sections and subsections.

- Chapter 65 reflects the rules and regulations of the Department of Children and Families.
- Section 22 of Chapter 65 is devoted to child care standards for Child Care Facilities.

Activity: Piece the Puzzle

<table>
<thead>
<tr>
<th>Code</th>
<th>Custodial parent</th>
<th>Guardian</th>
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<tbody>
<tr>
<td>Legislation</td>
<td>Legislators</td>
<td>Minimum Standards</td>
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<tr>
<td>Ordinance</td>
<td>Parent</td>
<td>Regulations</td>
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<tr>
<td>Regulatory Agency</td>
<td>Rules</td>
<td>State Law</td>
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</tbody>
</table>

1. Specific details drawn up by an agency to support a law, and enforced by the court.
2. A legal decision that is enacted by a state agency.
3. A body of people whose job is to enact laws.
4. A person who has legal custody of a child.
5. A piece of legislation that is passed at a local level.
6. A document that is discussed or voted on by the State legislature or Federal House and Senate.
7. A parent who has been awarded custody of children after a divorce.
8. A person who is declared legally responsible for the care of a child by a court of law.
9. These are the basic requirements permitted by law or authority to operate a child care program.
10. A government body responsible for directing activities according to rule, principle or law.
11. A bill that has been passed by the State House and Senate and approved by the Governor.
12. At the state level, this includes rules set forth in the Florida Administrative Code.
Introduction to Chapter 65C-22, Child Care Standards

Section 22 has 8 sections. They are:

- 65C-22.001: Information
- 65C-22.002: Environment
- 65C-22.003: 
- 65C-22.004: Requirements
- 65C-22.005: and Nutrition
- 65C-22.006: Keeping
- 65C-22.007: Child Care
- 65C-22.008: Child Care
- 65C-22.009: Quality Care Program
- 65C-22.010: 

Key Point: Licensing focuses on the health, safety, and well-being of children.
65C-22.001 General Information

(1) Application.

Notes:

(2) License.

Notes:

(3) Minimum Age Requirements.

Notes:

(4) Ratios.

(5) Supervision.

(6) Transportation.

(7) Planned Activities.

(8) Child Discipline.

(9) Access.

(10) Attendance

(11) Child Safety
(4) Ratios.

Notes:

Classrooms of one age group:
• For children from birth through 1 year of age, there must be one staff for every ________ children.
• For children 1 year of age or older, but under 2 years of age, there must be one staff member for every ________ children.
• For children 2 years of age or older, but under 3 years of age, there must be one staff member for every ________ children.
• For children 3 years of age or older, but under 4 years of age, there must be one staff member for every ________ children.
• For children 4 years of age or older, but under 5 years of age, there must be one staff member for every ________ children.
• For children 5 years of age or older, there must be one staff member for every ________ children

Mixed Ratios:
• In groups of mixed age ranges, where children under 1 year of age are included, one staff member shall be responsible for no more than ________ children of any age group at all times.
• In groups of mixed age ranges, where children 1 year of age but under 2 years of age are included, one staff member shall be responsible for no more than ________ children of any age group at all times.
• When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group with the __________ number of children within the group.

For every 20 children, a child care facility must have one (1) credentialed staff member.

(5) Supervision.

Notes:
(6) Transportation.

Notes:

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(7) Planned Activities.

Notes:

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(8) Child Discipline.

Notes:

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(9) Access.

Notes:

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(10) Attendance.

Notes:

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(11) Child Safety.

Notes:

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At the end of each section, the Florida Statutes that form the basis of the Code are listed.

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.

You can see which statutes were used to write the code, and the history of any amendments to them.

The Florida Administrative Code outlines the basic principles of child care in Florida in the Department of
Children and Families' rules about application and licensing practices, staff-to-children rations, direct supervision,
transportation, planned activities, and discipline.

Practice and Feedback: Best Practices

Notes:

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65C-22.002 Physical Environment

(1) General Requirements.

Notes:

(2) Rooms Occupied by Children.

Notes:

(3) Indoor Floor Space.

Notes:

65C-22.002 Physical Environment.

(1) General Requirements.
(2) Rooms Occupied by Children.
(3) Indoor Floor Space.
(4) Outdoor Play Area.
(5) Napping and Sleeping Space.
(6) Toilet and Bath Facilities.
(7) Fire Safety.
(8) Health and Sanitation.
(9) Equipment and Furnishings.
Indoor Space Requirements:

- A child care facility that held a valid license on October 1, 1992, must have a minimum of __________ square feet of usable indoor floor space for each child.

- A child care facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility, must have a minimum of __________ square feet of usable indoor floor space for each child.

- In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must also have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

Practice and Feedback: Calculating Indoor Usable Space

Notes:

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(4) Outdoor Play Area.

Notes:

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____________________________________________________________________

Outdoor space requirements:

- There shall be a minimum of __________ square feet of usable, safe, and sanitary outdoor play area per child, one (1) year of age and older.

- A minimum outside play area shall be provided for __________ of this identified population.
Practice and Feedback: Calculating Outdoor Usable Space

Notes:

(5) Napping and Sleeping Space.

Notes:

Sudden Infant Death Syndrome, or SIDS, is mentioned in this code. There is a short phrase to help us remember how to reduce the risk of SIDS. What is it? What does the phrase mean?

(6) Toilet and Bath Facilities.

Notes:
(7) Fire and Emergency Safety.
Notes:

(8) Health and Sanitation.
Notes:

(9) Equipment and Furnishings.
Notes:

Practice and Feedback: Best Practices
Notes:
### 65C-22.003 Training

**65C-22.003 Training.**

(1) Definitions.

(2) Training Requirements.

(3) Exemptions from the Introductory Child Care Training.

(4) Documentation of Training.

(5) Trainer Qualifications.

(6) Annual In-Service Training.

(7) Staff Credentials.

(8) Director Credential.

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**1) Definitions.**

Notes:

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**2) Training Requirements.**

Notes:

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**3) Exemptions from the Introductory Child Care Training.**

Notes:
(4) Documentation of Training.
   Notes:

(5) Child Care Trainer Qualifications.
   Notes:

(6) Annual In-Service Training.
   Notes:

(7) Staff Credentials.
   Notes:
(8) Director Credential.

Notes:

For more information about training:

website: www.myflorida.com/childcare, select “Training Requirement”
telephone: 1-888-FL-CCTIC (352-2842)

Practice and Feedback: Best Practices

Notes:
### 65C-22.004 Health Related Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Notes</th>
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<tbody>
<tr>
<td>(1) Communicable Disease Control.</td>
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<tr>
<td>(2) First Aid, Cardiopulmonary Resuscitation, and Emergency Procedures.</td>
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<tr>
<td>(3) Medication.</td>
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(1) Communicable Disease Control.

Notes:

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(2) First Aid, Cardiopulmonary Resuscitation, and Emergency Procedures.

Notes:

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(3) Medication.

Notes:

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Notes:
65C-22.005 Food and Nutrition

(1) Nutrition.
Notes:

(2) Food Preparation Area.
Notes:

(3) Food Service.

prop a bottle.
Notes:
Key Point: The Florida Administrative Code describes the Department of Children and Families’ rules relating to meeting the health and nutrition needs of children.

Practice and Feedback: Best Practices

Notes:

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### 65C-22.006 Record Keeping

<table>
<thead>
<tr>
<th>(1) General Requirements.</th>
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<thead>
<tr>
<th>(2) Children’s Health Requirements.</th>
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<td>Notes:</td>
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### Notes:

- Children’s Health Requirements.
- Enrollment Information.
- Personnel Records.
- Summary of Records.
(3) Enrollment Information.

Notes:

(4) Personnel Records.

Notes:

Practice and Feedback: Who needs to be screened?

• David started in the child care industry and completed the background screening requirements 3 years ago and has remained employed

• Lisa is employed in a child care facility and completed the background screening requirements 2 years ago. She takes four months for maternity leave. She has now returned to work.

• Maria worked in the child care industry in 1999 for six months. She left the industry.

• Samantha has never worked in the child care industry.
• ______________________________ application with employee statement
• Record of position and ______________________________ of employment
• Signed statement of understanding of ______________________________ and ______________________________
• CF-FSP Form 5131, ______________________________ Screening and Personnel File Requirements
• Employment ______________________________
• Affidavit of Good ______________________________, CF-FSP 1649
• Training ______________________________
• Director/Staff ______________________________
• Child Care ______________________________ Record, CF-FSP 5268
• ______________________________
• ______________________________ license (Driver Only)
• Driver’s ______________________________ record (Driver Only)

(5) Summary of Records.

Notes:

________________________________________

________________________________________

________________________________________

________________________________________

Other than medical, enrollment, and personnel records, what are some of the other records should one find on file at a child care facility?

• Daily ______________________________
• Record of ______________________________
• ______________________________ evacuation plans
• Record of ______________________________ fire drills
• Documentation of ______________________________ training
• ______________________________ for filed trips
• Daily menus
• Specialized diet documentation
Key Point: The Florida Administrative Code describes the Department of Children and Families’ rules regarding the written documentation child care programs and providers must retain.

Practice and Feedback: Best Practices

Notes:
### 65C-22.007 Evening Child Care

<table>
<thead>
<tr>
<th>(1) Hours of Care.</th>
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<tbody>
<tr>
<td>Notes:</td>
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<thead>
<tr>
<th>(2) Supervision.</th>
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<td>Notes:</td>
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<th>(3) Exemptions.</th>
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<td>Notes:</td>
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</table>
**Key Point:** The Florida Administrative Code describes the Department of Children and Families’ rules regarding the provision of evening child care.

**Practice and Feedback: Best Practices**

Notes:

________________________________________________________________________

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________________________________________________________________________
65C-22.008 School Age Child Care

(1) Definitions.

Notes:

________________________________________________________________________

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(2) Licensure Requirements.

Notes:

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(3) School Age Child Care Standards.

Notes:

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(4) School Age Child Care Personnel Training Requirements.

Notes:

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________________________________________________________________________
65C-22.009 Gold Seal Quality Care Program

(1) Definitions.

Notes:

(2) Provider Requirements.

- Where can you get a listing of approved Gold Seal Quality Care Program accrediting associations?

(3) Accrediting Association Requirements.

- Active Gold Seal Quality Care Associations must re-apply every five (5) years. If an association fails to reapply or if the application is denied the accrediting association will be placed in an inactive state. Can child care programs receive Gold Seal Quality Care designation from an inactive association?
65C-22.010 Enforcement

(1) Definitions.

(2) Disciplinary Sanctions.

(1) Definitions.

Notes:

(2) Disciplinary Sanctions.

Notes:

Practice and Feedback: Best Practices

Notes:
Review of the Florida Statutes and Florida Administrative Code

Ms. Care, a licensing counselor, is visiting Have-A-Good-Day Preschool. Mr. Kind is a fairly new director and this is his first routine inspection since is purchased the program. As she pulls up in the parking lot of the facility, she sees an employee smoking on a picnic table on the edge of the playground.

As Ms. Care walks to the front door, she notices the playground. In his short time with the program, he has made some changes. The grass seems to be greener and looks if it has been recently mowed. There is a new, low hedge around the playground, and the fencing has been taken down. The shade trees have been removed to make way for a new tricycle path lined with flowers. In the area where the merry-go-round was, there is now a plastic wading pool with a built-in slide. The cover that had been on the sandbox has been freshly painted and is now leaning on the side of the building, and the sand box is open and freshly raked. Toys are neatly lined up beside it.

Ms. Care enters the school. In the outer waiting room, she sees a bulletin boards. On one, there are class rosters for five classes:

- Ms. Smith has 10 children under the age of one
- Mr. Jones has 15 two-year-olds
- Ms. Perez has 15 three-year-olds
- Ms. Caps has 21 four-year-olds
- Ms. Brown has 25 five-year-olds

Mr. Kind, the new director, greets Ms. Care. He invites her in and they sit down in his very organized office. The only things on the desk are a portrait of his family, a pencil holder, a stapler, and a phone. They talked for a little while about the weather and then Ms. Care asks to see the rest of the facility. Just as they are getting ready to leave the office, a child care provider enters with a young child. The teacher announces that it is time for Jennifer to take her medicine. Mr. Kind reaches under his desk and removes a little plastic bag from a box. The unmarked bag has two white pills in it. He hands the bag to Jennifer, who opens the bag and takes out both pills. Jennifer chews the pills without water, smiles and thanks Mr. Kind. As the teacher leads Jennifer out of the office, Mr. Kind throws the empty plastic bag in the trash basket.

Ms. Care and Mr. Kind visit one of the classrooms. The children are all playing happily and the classroom seems to be bright and clean. Ms. Care can smell the pine odor of the cleaning agent that was used and sees a jug marked “cleaner” and a rag on the windowsill.

Ms. Care notices that many of the children still have coats and sweaters on them and when she reads the thermometer on the wall, she sees that the temperature is 63 degrees. She comments to Mr. Kind that the room seems chilly, and he laughs and says two of his staff members are having a minor disagreement on the meaning of “cool.” One keeps turning the air conditioner up, and the other turns it down a few minutes later. He turns the thermostat to 76 degrees, and says, “It will warm up fast.”

It seems to her that there are many more cabinets in that room since she was last there. She sees the class list on the door and notices that there are 20 children there. She measures the floor space and finds that there are 380 square feet of usable floor space.

Next they go into the bathroom. Ms. Care sees that one of the toilets is not usable since there are large boxes piled on top of it. She asks Mr. Kind about it and Mr. Kind says that he thought 3 toilets for 86 children should be enough, and with the success of the business, he needs the extra storage space. He notes that not a single child or teacher has complained.

Ms. Care also notices that there is a cloth towel hanging in the bathroom and there were no paper towels in the dispenser. Mr. Kind says he recently purchased a new washer and dryer for the program, and was saving a lot of money washing towels instead of buying disposable ones. He has to wash linens, soiled clothes, and cleaning rags, anyway.
Mr. Kind escorts Ms. Care into another classroom. The teacher shows Mr. Kind a child who has a rash on his face and one of his arms. The teacher did not notice the rash during the daily health check that morning. Mr. Kind asks the child some questions about the rash, and asks him if he is feeling well. After the child says he feels fine, Mr. Kind puts his hand on the child’s forehead for a moment. Shrugging, he tells the teacher she should call the mother later on that day to find out if this had happened before. “It’s probably some kind of allergy,” he told Ms. Care. “Or maybe a bug bit him outside. It’s hard to tell.”

Mr. Kind takes Ms. Care into the infant room. There are five babies present with one child care provider. Ms. Care notices one infant is drinking from a bottle leaning against a rolled-up blanket. The child care provider is changing another baby’s diaper. She puts the soiled diaper in a plastic grocery sack, twirls it shut, and places the bag in a trash can that is open at her feet. She then places that baby stomach-down in a playpen, makes sure his face is turned to one side, and then proceeds to diaper another child. Ms. Care sees that although there is no hand-washing sink in the infant room, they have a container of disposable wipes the child care provider uses on her own hands after changing each diaper. The babies all seem quiet and content.

Mr. Kind shows Ms. Care the cribs he purchased recently at a garage sale. He explains how he had made them fresh and clean by painting them bright white with some paint he found in the attic. He loves to see all of those clean, white cribs lined up, a foot apart, in a freshly painted room. Nice and tidy.

Next they visit the lunchroom area. Mr. Kind tells Ms. Care that he is very fortunate to have found a new cook. It is always a surprise for everyone to find out what she is going to prepare for meals. The new cook is very creative and loves to let the children try foods that are new to them.

Mr. Kind says he wants to pause for a minute to wash his hands in the sink, remembering that he had touched the child with the rash. “Just in case,” he says. As they are leaving the kitchen, Ms. Care notices a little kitten curled up asleep next to the refrigerator. Mr. Kind shows Ms. Care the kitten’s immunization record.

In the next room the two-year-olds are taking naps. Most of the children are on cots but some are using nap mats. The cots are close enough so that the children can easily hold hands and whisper and giggle. “We make sure friends are allowed to be next to one another,” says Mr. Kind.

Suddenly, a teacher rushes in to the nap room carrying a screaming child. Every child sits up to stare at Lisa, a five-year-old who is bleeding heavily from the forehead, just above the eye. Mr. Kind says to the teacher, “Oh, no! How could you let this happen! Weren’t you watching her?” He tells the teacher, in a loud, stern voice, to look and see if she can find a first aid kit somewhere. Mr. Kind turns to Lisa and begins talking to her a soft, low voice. He says, “Don’t worry. We’re probably going to have to take you to the hospital, but that’s alright. They’re going to sew this closed and you’ll be fine after that. They’ll give you a shot, so you won’t feel a thing. Just don’t worry.” When the teacher came back a few minutes later, Lisa is still crying, and they decide not to take her to the hospital right away because she seems upset and the bleeding is beginning to stop, anyway. It’s not as bad as it looked at first, they both agree. They use antibiotic cream and bandages to dress the wound, and then Mr. Kind tells the teacher to take Lisa to get some ice cream. He hands her the keys to his car and some money.

After they leave, Ms. Care asks if this teacher was new to the staff; she’d never met her before today. Mr. Kind said she was hired about four months ago and she has proven to be a terrific asset to the staff. She gets along with everyone and all the children love her. Ms. Care asks to see her personnel record, and Mr. Kind walks her back to his office. He produces her personnel file. It contains her application form, a W-4 form and two excellent written references from prior employers. There is also a certificate for a class she completed in Early Literacy, and he says he she’s considering taking more classes pretty soon. He hopes she will, but he also knows she is considering going back to school to be a kindergarten teacher.

Mr. Kind asks if he could answer any other questions for Mr. Care, but she says no. She has seen everything she needs to see. She asks if there is a quiet place she could sit and finish her report.
Module 4 Summary

Module 4 introduced the:

- role of the Florida Administrative Code in your daily work.
- specific rules in the Florida Administrative Code you need to understand and obey.
- application of your knowledge of the Florida Administrative Code in your daily activities.
Overview
This module outlines the basic principles and practices that help people achieve and maintain professionalism: identifying components of professional behavior, using the Internet, joining professional associations, taking advantage of continuing education opportunities, creating, and following a Professional Development Plan, practicing ethical standards, and reading professional literature.

Module Goal
The goal of this module is to assist child care professionals in practicing the standards of their profession.

Learning Objective
Participants will understand and be able to apply the principles of achieving and maintaining professionalism.
Module 5 Introduction to Professionalism

When people in a certain job are required to follow a given set of laws, must have specific training, and adhere to certain codes of conduct, what are those people called?

People who work with children in a child care setting are professionals.

They:

• ____________________ of the Florida Statutes.
• ____________________ in the Florida Administrative Code.
• ____________________ as written in rule by the Florida Department of Children and Families.
• gain professional status through ____________________.
• ____________________. The Florida Statutes say they must be of good moral character and must see to the emotional and physical well-being of the children in their care.

Who expects you to meet, and even exceed, these standards?

Key point: Professionalism means maintaining a set of standards that are widely viewed as essential to your chosen career.

Key point: Maintaining professionalism has many benefits that enhance one’s economic, social, and psychological wellness.
Maintaining Professionalism

All professionals use the same methods to maintain their professionalism. It doesn’t matter whether you practice a profession that is rare or common; if it takes years of study, a few certification classes, or on-the-job-training; or how much money you make.

All professionals perform certain activities in order to remain professionals. When a professional stops doing these activities, his or her professionalism falls into decline.

Professionals:

- _____________________________ that affect their profession.
- _____________________________ to professional journals, periodicals, and websites.
- _____________________________ professional associations.
- _____________________________ at conferences, seminars, workshops, and continuing education courses.
- _____________________________ mandated by law.
- _____________________________ to the profession.
- accept work assignments that _____________________________.
- _____________________________ with peers and colleagues (networking).

Key Point: All professionals perform certain activities in order to remain professionals. When a professional stops doing these activities, his or her professionalism falls into decline.

The methods of achieving professionalism are the same for all professions, but there are specific resources for child care professionals.

Let’s identify resources that are specifically designed for child care professionals. Many of them will offer several ways for you to maintain and improve your professional knowledge and skills.
Maintaining Professionalism Using the Internet

One of the easiest ways you can maintain your professionalism is to visit websites that are devoted to professional child care and early learning. You should make a practice of visiting Department of Children and Families’ childcare website frequently.

What is the website's address?

If you do not have Internet access at work or home, where can you get access to it?

If you’d like to learn more about how to use the Internet, where can you do that?

• The Centers for Disease Control and Prevention
  www.cdc.gov/

  From the website: The CDC is “…one of the 13 major operating components of the Department of Health and Human Services (HHS), which is the principal agency in the United States government for protecting the health and safety of all Americans and for providing essential human services, especially for those people who are least able to help themselves.” This is a good place to keep track of requirements about immunizations, track flu and other viral epidemics, and review other health-related news and information.

• Children’s Defense Fund
  www.childrensdefense.org/

  From the website: “CDF’s Early Childhood Development Division strives to give children a head start in life and ensure that they are safe and secure while their parents are at work.” This is the place to find out the most current information about legislation affecting children, especially disenfranchised ones.

• The Children’s Forum
  www.fcforum.org/

  From the website: “Our goal is to improve quality in all settings by supporting state and local governments and a sound system of care. Forum staff members are proud to work on behalf of all early childhood stakeholders to support the work of child care and early learning providers. We are grateful for the opportunity to work side-by-side with our fellow colleagues in the industry who work daily to support children and families in Florida.”
• Florida Agency for Workforce Innovation, Office of Early Learning  
  www.floridajobs.org/earlylearning/  
From the website: This program “…increases children’s chances of achieving the educational levels that help them become productive members of society.”

• Florida Department of Education, Office of Early Learning  
  www.fldoe.org/earlylearning/  
From the website: “In 2004, the Florida Legislature enacted legislation to implement the Voluntary Prekindergarten (VPK) Education Program, in accordance with the State Constitution. The VPK program will better prepare our young children for successful entry into kindergarten by focusing the Department of Education’s efforts on early literacy. This legislation assigns responsibilities for the day-to-day management of the program to the Agency for Workforce Innovation; licensing and credentialing to the Department of Children and Families; and the creation of standards, curriculum, and accountability to the Department of Education. All three agencies are working together to provide leadership and support to the local early learning coalitions, school districts, and public and private providers to ensure the successful implementation of effective prekindergarten education programs for Florida’s four-year-old children.”

• Florida Kidcare  
  www.floridakidcare.org/  
From the website: “Florida KidCare is our state’s children’s health insurance program for uninsured children under age 19.” Check here for updates on health insurance for children in Florida.

• National Association for the Education of Young Children  
  www.naeyc.org/  
From the website: “As the nation’s largest and most influential organization of early childhood educators, NAEYC is especially focused on providing resources and support for teachers and administrators in early childhood programs. For NAEYC members and non-members alike, we strive to provide the best tools and information about early childhood development—tools that you can use in your classrooms and programs to help all young children get a great start on learning.” This is the organization that grants facilities the Gold Seal Quality Care designation, which means the facility has exceeded the State’s minimum licensing standards.”

• National Association for Family Child Care  
  www.nafcc.org/  
From the website: “NAFCC is dedicated to advocating for the family child care profession by collaborating with other local, state, and national organizations who contribute to the family child care field to increase awareness about and improve the quality of family child care.”

• The National Association for Regulatory Administration  
  www.nara-licensing.org/  
From the website: “NARA represents all human care licensing, including child care, child welfare, adult day care, adult residential and assisted living care, and program licensing for services related to mental illness, developmental disabilities and abuse of drugs and alcohol.” This is one the most authoritative websites available to track new laws and regulations.
• The National Child Care Information Center
  www.nccic.org/

From the website: NCCIC is “…a national clearinghouse and technical assistance center that links parents, providers, policy-makers, researchers, and the public to early care and education information.”

• National Resource Center for Health and Safety in Child Care
  http://nrc.uchsc.edu/

From the website: “The NRC’s primary mission is to promote health and safety in out-of-home child care settings throughout the nation. Each state manages licensure of child care settings in different ways. The licensure regulations from the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands are also available on this Website. The NRC updates this database as changes are made.”
Maintaining Professionalism Using Professional Associations

Professional associations also offer several ways for you to maintain and improve your professional knowledge and skills.

Can you name some of the benefits of joining a professional organization?

Several of the websites listed above belong to professional organizations. Which ones are they?

Here are some more associations which serve the child care profession.

- **Florida Association for Child Care Management**
  
  www.faccm.org/

  From the website: “F.A.C.C.M. is committed to the development and implementation of programs, techniques and strategies, which improve the quality and affordability of early childhood education. F.A.C.C.M. is unique in that it functions from the perspective of the owner or management of the child care facility. The organization is committed to advocacy in the legislature of the state of Florida for child care related issues and employs their own lobbyist. F.A.C.C.M also administers the national A.P.P.L.E Accreditation program for licensed child care programs.”

- **National AfterSchool Association**
  
  www.naaweb.org/

  From the website: "The National AfterSchool Association, formerly the National School-Age Care Alliance, was founded in 1987. We are a professional association with a membership component-our membership includes more than 7,000 practitioners, policy makers, and administrators representing all public, private, and community-based sectors of after-school and out-of-school time programs, as well as school-age and after-school programs on military bases, both domestic and international. As the leading voice of the after-school profession, we are dedicated to the development, education, and care of children and youth during their out-of-school hours.”
• **National Association of Child Care Professionals**
  [www.naccp.org](http://www.naccp.org)

From the website: “The National Association of Child Care Professionals is the nation’s leader among associations serving child care owners, directors, and administrators. The organization’s goal is to improve, enhance, and strengthen the credibility of the people who lead the child care industry by providing membership services and benefits. NACCP is the only association exclusively dedicated to child care management without regard to a center’s tax status and corporate sponsorship.”

• **National Child Care Association**
  [www.nccanet.org](http://www.nccanet.org)

From the website: “Welcome to the National Child Care Association (NCCA) and thank you for visiting with the ONLY national association serving the private, licensed childhood care and education community. Join NCCA today to become better informed about issues that can make a difference in your business, gain access to money-saving opportunities, great networking, and professional development opportunities.”

• **The Association for Child & Youth Care Practice, Inc.**
  [www.acycop.org/](http://www.acycop.org/)

From the website: “The Association for Child & Youth Care Practice, Inc., (formerly known as the National Organization for Child Care Worker Associations, Inc. [NOCCWA]) is an organization of state and regional associations, agencies, and professionals committed to improving the field of child and youth care.”

• **The Ohio Child Care Resource & Referral Association (OCCRRA)**
  [www.occrra.org/](http://www.occrra.org/)

From the website: “The Ohio Child Care Resource & Referral Association (OCCRRA) promotes the positive development of all children, especially those in out-of-home learning environments. OCCRRA’s membership consists of resource and referral agencies providing services to families, early childhood professionals, and communities throughout Ohio. Each member agency maintains a regional database of child care providers, provides families with information on how to select care, increases the quality effectiveness of providers by offering professional development opportunities, and provides information to policy and decision makers.”

Accrediting agencies for religious exempt child care facilities also serve as professional associations in many cases. Contact the Department of Children and Families licensing office in your area for information on accrediting agencies for religious exempt child care facilities. [www.dcf.state.fl.us/programs/childcare/contacts.shtml](http://www.dcf.state.fl.us/programs/childcare/contacts.shtml)

Let’s look at ways to find other associations that serve child care professionals.

To find associations that serve child care professionals:

• [Encyclopedia of Associations](http://www.encyclopediaofassociations.com) and ask to see the *Encyclopedia of Associations*, a reference book that lists thousands of associations.

• [Google](http://www.google.com), [Yahoo](http://www.yahoo.com), or [Ask.com](http://www.ask.com).

• [Local licensing agency], [local child care trainers], and the Department of Children and Families.
Most associations offer an annual conference. A conference is a meeting during which many different training and networking opportunities are offered in a short period of time. If you have never attended a conference, try to do so as soon as possible. You will find it well worth the investment. Visit the associations' websites to find times and dates at cities near you. There are many conferences held within our own state. Ask your Early Learning Coalition, Community college or university, or local licensing office for more information.
Maintaining Professionalism Using Continuing Education

Department of Children and Families offers many opportunities for training and professional development, as we have seen throughout this course.

Where can I review the latest information about the Department of Children and Families’ minimum training standards for certifying child care professionals and licensing child care programs?

You may attend any or all of the courses as they are offered. In addition to introductory training, each year you must complete ten (10) hours of annual in-service.

In-service training is any coursework that is taken for college credit, continuing education units (CEUs), vocational credit hours, or clock hours. Training must be in one of the approved topic areas outlined in the Florida Administrative Code.

Remember, we have learned that the department does not approve training providers. That means it is your responsibility to develop your own professional development plan and choose appropriate training that meets your needs. We will talk about professional development plans in a moment.

In addition to the minimum training requirements, the department has developed several early childhood credential programs. Early childhood credential programs assist child care professionals in developing their professional skills.

Maintaining professionalism means increasing your skills, abilities, and knowledge through continuing education, then sharing those assets by accepting work that is progressively more responsible.

For more information about credential programs, please visit the department’s website at www.myflorida.com/childcare/
Maintaining Professionalism through a Professional Development Plan

Many professionals write a career planning tool called a Professional Development Plan very early in their careers. They revise their Professional Development Plan several times over the course of their careers.

To be effective, a Professional Development Plan must be written down. If it's only in your head, it's not a plan. If you want to increase your plan's effectiveness, share it with someone who will hold you accountable for following it.

We'll take a brief look at some of the elements of a Professional Development Plan now. Take some time very soon to create your own plan.

Key Point: Knowing what you need to achieve your professional goals will help you choose options for either annual in-service training or child care credentials and renewals.

All professional development plans contain the following elements. Together, the elements will require you to accept more responsibilities, but it will also offer you rewards for your achievements.

The elements of a Professional Development Plan are:

• a _________________________________. What is your "dream job"? Be as specific as possible. Don't write, "To work in child care." Instead, write something like this: "To become a facility director in a program that has 10 employees."

• a list of the ________________________________ for that job. If you want to be a director, you will write down all the credentials a director needs to have, and any other skills and abilities you will need to excel at that work.

• a list of the knowledge, skills, and abilities _________________________________. Carefully evaluate your current ability to achieve your goal.

• a list of the knowledge, skills, and abilities you need but do not currently have. This list becomes _________________________________ for achieving your goal.

• a ________________________________ for achieving each of your objectives. Include the start date and end date for every course you will take.

• a list of ________________________________ to achieving your objectives, and your plan for ________________________________ these barriers.
Notes:
Maintaining Professionalism by Following Ethical Standards

We know that the Florida Statutes demand that child care professionals are of “good moral character.”

How do we know if we meet the standard of possessing “good moral character” as the term applies to our profession?

Professional associations usually set ethical standards for their members. For child care professionals, the most widely recognized standard is set by the National Association for the Education of Young Children, or NAEYC. Another example of a Code of Ethical Conduct may be found at the Council for Exceptional Children’s website at www.cec.sped.org.

Earlier, we looked at the NAEYC website. Let’s learn a little more about NAEYC and their Ethical Code of Conduct. This is from their website at www.naeyc.org.

NAEYC has created definitions for the terms they use in the Code of Ethical Conduct. Let’s learn these terms before we look at the Code.

Glossary of Terms Related to Ethics

Code of Ethics: Defines the core values of the field and provides guidance for what professionals should do when they encounter conflicting obligations or responsibilities in their work.

Values: Qualities or principles that individuals believe to be desirable or worthwhile and that they prize for themselves, for others, and for the world in which they live.

Core Values: Commitments held by a profession that is consciously and knowingly embraced by its practitioners because they make a contribution to society. There is a difference between personal values and the core values of a profession.

Morality: Peoples’ views of what is good, right, and proper; their beliefs about their obligations; and their ideas about how they should behave.

Ethics: The study of right and wrong, or duty and obligation, that involves critical reflection on morality and the ability to make choices between values and the examination of the moral dimensions of relationships.

Professional Ethics: The moral commitments of a profession that involve moral reflection that extends and enhances the personal morality practitioners bring to their work, that concern actions of right and wrong in the workplace, and that help individuals resolve moral dilemmas they encounter in their work.

Ethical Responsibilities: Behaviors that one must or must not engage in. Ethical responsibilities are clear-cut and are spelled out in the Code of Ethical Conduct (for example, early childhood educators should never share confidential information about a child or family with a person who has no legitimate need for knowing).

Ethical Dilemma: A moral conflict that involves determining appropriate conduct when an individual faces conflicting professional values and responsibilities.
Now that we have learned some of the key terms, we are ready to study NAEYC’s Code of Ethical Conduct. The full text of the Code is included the appendix of your participant’s guide.

Code of Ethical Conduct and Statement of Commitment

A position statement of the National Association for the Education of Young Children

Revised April 2005

Endorsed by the Association for Childhood Education International

Preamble

NAEYC recognizes that those who work with young children face many daily decisions that have moral and ethical implications. The NAEYC Code of Ethical Conduct offers guidelines for responsible behavior and sets forth a common basis for resolving the principal ethical dilemmas encountered in early childhood care and education.

The primary focus of the Code is on daily practice with children and their families in programs for children from birth through 8 years of age, such as infant/toddler programs, preschool and prekindergarten programs, child care centers, hospital and child life settings, family child care homes, kindergartens, and primary classrooms. When the issues involve young children, then these provisions also apply to specialists who do not work directly with children, including program administrators, parent educators, early childhood adult educators, and officials with responsibility for program monitoring and licensing.

NAEYC includes people who do not work directly with children in the Code’s provisions. Why?

Core Values

Standards of ethical behavior in early childhood care and education are based on commitment to the following core values that are deeply rooted in the history of the field of early childhood care and education. We have made a commitment to:

• Appreciate childhood as a unique and valuable stage of the human life cycle
• Base our work on knowledge of how children develop and learn
• Appreciate and support the bond between the child and family
• Recognize that children are best understood and supported in the context of family, culture, community, and society
• Respect the dignity, worth, and uniqueness of each individual (child, family member, and colleague)
• Respect diversity in children, families, and colleagues
• Recognize that children and adults achieve their full potential in the context of relationships that are based on trust and respect
Conceptual Framework

- The Code sets forth a framework of professional responsibilities in four sections.
- Each section addresses an area of professional relationships: (1) with children, (2) with families, (3) among colleagues, and (4) with the community and society.
- Practitioners should combine the guidance of the Code with professional judgment.
- The ideals and principles in this Code present the core values of our field.
- The Code supports ethical behavior in our work.
- Practitioners who face situations with ethical dimensions are urged to seek guidance in the Code.
- Often, “the right answer”-the best ethical course of action to take-is not obvious. There may be no readily apparent, positive way to handle a situation.
- When one important value contradicts another, we face an ethical dilemma.
- When we face a dilemma, it is our professional responsibility to consult the Code and all relevant parties to find the most ethical resolution.

Section I:

Ethical responsibilities to children

- Our responsibility is to provide care and education in settings that are safe, healthy, nurturing, and responsive for each child.
- We support children’s development and learning while respecting individual differences.
- We help children learn to live, play, and work cooperatively.
- We promote children’s self-awareness, competence, self-worth, resiliency, and physical well-being.

Section II:

Ethical responsibilities to families

- Families are of primary importance in children’s development.
- We work toward communication, cooperation, and collaboration between the home and the program in ways that enhance the child’s development.

When the Code discusses colleagues, it is referring to co-workers, employers, and employees.

Section III:

Ethical responsibilities to colleagues

- In a caring, cooperative workplace, human dignity is respected, professional satisfaction is promoted, and positive relationships are developed and sustained.
- We establish and maintain settings and relationships that support productive work and meet professional needs.
- The same ideals that apply to children also apply as we interact with adults in the workplace.

Section IV:

Ethical responsibilities to community and society

- Early childhood programs operate within the context of their community made up of families and others concerned with child welfare institutions.
- Our responsibility is to provide programs that meet the diverse needs of families, to cooperate with other agencies and professions that share the responsibility for children, to assist families and to assist in the development of programs that are needed but not currently available.
- As individuals, we acknowledge our responsibility to provide the best possible programs of care and education for children and to conduct ourselves with honesty and integrity.
Statement of Commitment

As an individual who works with young children, I commit myself to furthering the values of early childhood education as they are reflected in the ideals and principles of the NAEYC Code of Ethical Conduct. To the best of my ability I will:

- Never harm children.
- Ensure that programs for young children are based on current knowledge and research of child development and early childhood education.
- Respect and support families in their task of nurturing children.
- Respect colleagues in early childhood care and education and support them in maintaining the NAEYC Code of Ethical Conduct.
- Serve as an advocate for children, their families, and their teachers in community and society.
- Stay informed of and maintain high standards of professional conduct.
- Engage in an ongoing process of self-reflection, realizing that personal characteristics, biases, and beliefs have an impact on children and families.
- Be open to new ideas and be willing to learn from the suggestions of others.
- Continue to learn, grow, and contribute as a professional.
- Honor the ideals and principles of the NAEYC Code of Ethical Conduct.
Maintaining Professionalism by Reading Professional Literature

One of the best ways to maintain your professionalism throughout your career is to stay abreast of professional literature. These are the printed resources such as books, magazines, and journals that have earned the respect of your colleagues. Many are published by professional organizations, but some are not.

There is one book about our profession that is widely acknowledged. *Caring for Our Children: National Health and Safety Performance Standards Guidelines for Out-of-Home Child Care Programs*.

A bibliography is a list of recommended books and magazines. If you had a bibliography today that contained all of the best resources currently available on child care, it would be out of date within a year.

Good books and magazine articles are being published every day.

As a professional, you should visit the library once a month to read printed material and online resources, and to check out children’s books. Reading children’s books is a good way to keep in touch with the concerns and interests of the children in your program.

When you visit your local public library, make certain you read books and magazines that are not only aimed at professional child care providers, but at parents also. They are full of good information, and are a good way to keep in touch with the concerns and interests of the parents who depend on your program.

Activity: The Many Hats of Child Care Professionals.
Module 5 Summary and Course Review

Module 5 Introduced the:

- definition of professionalism.
- benefits of maintaining professional standards.
- methods of maintaining professionalism.
- specific resources that will assist in maintaining professional standards throughout a career in child care.

This concludes the course, Child Care Facility Rules and Regulations.
Child Care Facility Rules and Regulations

Appendix
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Appendix

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Florida Statutes
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402.26 – 402.319
Child Care

This copy has been modified for easy reading. For an official copy, refer to the Florida Statutes. You can access the Florida Statutes at www.leg.state.fl.us/statutes.
402.26 Child care; legislative intent.—

(1) The Legislature recognizes the critical importance to the citizens of the state of both safety and quality in child care. Child care in Florida is in the midst of continuing change and development, driven by extraordinary changes in demographics. Many parents with children under age 6 are employed outside the home. For the majority of Florida’s children, child care will be a common experience. For many families, child care is an indispensable part of the effort to meet basic economic obligations or to make economic gains. State policy continues to recognize the changing composition of the labor force and the need to respond to the concerns of Florida’s citizens as they enter the child care market. In particular, the Legislature recognizes the need to have more working parents employed in family-friendly workplaces. In addition, the Legislature recognizes the abilities of public and private employers to assist the family’s efforts to balance family care needs with employment opportunities.

(2) The Legislature also recognizes the effects of both safety and quality in child care in reducing the need for special education, public assistance, and dependency programs and in reducing the incidence of delinquency and educational failure. In a budgetary context that spends billions of dollars to address the aftermath of bad outcomes, safe, quality child care is one area in which the often maligned concept of cost-effective social intervention can be applied. It is the intent of the Legislature, therefore, that state policy should be firmly embedded in the recognition that child care is a voluntary choice of the child’s parents. For parents who choose child care, it is the intent of the Legislature to protect the health and welfare of children in care.

(3) To protect the health and welfare of children, it is the intent of the Legislature to develop a regulatory framework that promotes the growth and stability of the child care industry and facilitates the safe physical, intellectual, motor, and social development of the child.

(4) It is also the intent of the Legislature to promote the development of child care options in the private sector and disseminate information that will assist the public in determining appropriate child care options.

(5) It is the further intent of the Legislature to provide and make accessible child care opportunities for children at risk, economically disadvantaged children, and other children traditionally disenfranchised from society. In achieving this intent, the Legislature shall develop a school readiness program, a range of child care options, support services, and linkages with other programs to fully meet the child care needs of this population.
It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.

History.—s. 32, ch. 90-306; s. 70, ch. 96-175; s. 4, ch. 99-304; s. 6, ch. 2010-210.

402.281 Gold Seal Quality Care program.—

(1)(a) There is established within the department the Gold Seal Quality Care Program.
   (b) A child care facility, large family child care home, or family day care home that is accredited by a nationally recognized accrediting association approved by the department under subsection (3) and meets all other requirements shall, upon application to the department, receive a separate “Gold Seal Quality Care” designation.

(2) The department shall adopt rules establishing Gold Seal Quality Care accreditation standards based on the applicable accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.

(3)(a) In order to be approved by the department for participation in the Gold Seal Quality Care program, an accrediting association must apply to the department and demonstrate that it:
   1. Is a nationally recognized accrediting association.
   2. Has accrediting standards that substantially meet or exceed the Gold Seal Quality Care standards adopted by the department under subsection (2).
   (b) In approving accrediting associations, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:
   (a) The child care provider must not have had any class I violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal
Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule, three or more times and failed to correct the violation within 1 year after the date of each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(5) The Department of Children and Family Services shall adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting associations for participation in the Gold Seal Quality Care program, conferring and revoking designations of Gold Seal Quality Care providers, and classifying violations.

History.—s. 72, ch. 96-175; s. 5, ch. 99-304; s. 17, ch. 2000-337; s. 26, ch. 2001-170; s. 1, ch. 2006-91; s. 7, ch. 2010-210; s. 1, ch. 2011-75; s. 282, ch. 2011-142.

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.
(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations affiliated with national organizations which do not provide child care, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association’s minimum standards and procedures shall not be considered child care facilities and therefore, their personnel shall not be required to be screened.

(7) It shall be the policy of the state to encourage child care providers to serve children with disabilities. When requested, the department shall provide technical assistance to parents and child care providers in order to facilitate serving children with disabilities.

History.—s. 1, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 1, ch. 84-551; s. 21, ch. 87-238; s. 1, ch. 91-300; ss. 1, 2, ch. 93-115; s. 74, ch. 96-175.

402.302 Definitions.—As used in this chapter, the term:

(1) “Child care” means 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 accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

(2) “Child care facility” includes 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. The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;
(b) Summer camps having children in full-time residence;
(c) Summer day camps;
(d) Bible schools normally conducted during vacation periods; and
(e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

(3) “Child care personnel” means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator’s family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator’s family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs that provide care for children 15 hours or more each week in public or nonpublic schools, family day care homes, or programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school’s program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term “personnel” for the purposes of screening and training if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

(4) “Child welfare provider” means a licensed child-caring or child-placing agency.

(5) “Department” means the Department of Children and Family Services.

(6) “Drop-in child care” means 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. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted.

(7) “Evening child care” means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts.

(8) “Family day care home” means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

(a) A maximum of four children from birth to 12 months of age.
(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
(c) A maximum of six preschool children if all are older than 12 months of age.
(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

(9) “Household children” means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator's household children shall be left to the discretion of the operator unless those children receive subsidized child care through the School Readiness Program pursuant to s. 411.0101 to be in the home.

(10) “Indoor recreational facility” means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child care facility under s. 402.305, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in that section, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space.
(11) “Large family child care home” means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first 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. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

(a) A maximum of 8 children from birth to 24 months of age.
(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

(12) “Local licensing agency” means any agency or individual designated by the county to license child care facilities.

(13) “Operator” means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility.

(14) “Owner” means the person who is licensed to operate the child care facility.

(15) “Screening” means the act of assessing the background of child care personnel and volunteers and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation.

(16) “Secretary” means the Secretary of Children and Family Services.

(17) “Substantial compliance” means that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which
impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance.

(18) “Weekend child care” means child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

History.—s. 2, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 2, ch. 84-551; s. 23, ch. 85-54; s. 22, ch. 87-238; s. 2, ch. 88-391; s. 1, ch. 90-35; s. 34, ch. 90-306; s. 7, ch. 91-300; ss. 1, 2, ch. 93-115; s. 1, ch. 94-257; s. 1059, ch. 95-148; s. 57, ch. 95-228; s. 75, ch. 96-175; s. 1, ch. 97-63; s. 1, ch. 98-165; s. 8, ch. 99-304; s. 16, ch. 2000-253; s. 989, ch. 2002-387; s. 57, ch. 2004-267; s. 2, ch. 2006-91; s. 22, ch. 2010-114; s. 1, ch. 2010-158; s. 2, ch. 2011-75.

402.3025  Public and nonpublic schools.—For the purposes of ss. 402.301-402.319, the following shall apply:

(1) PUBLIC SCHOOLS.—

(a) The following programs for children shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319:

1. Programs for children in 5-year-old kindergarten and grades one or above.

2. Programs for children who are at least 3 years of age, but who are under 5 years of age, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.

3. Programs for children under 3 years of age who are eligible for participation in the programs under the existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.

(b) The following programs for children shall be deemed to be child care and shall be subject to the provisions of ss. 402.301-402.319:

1. Programs for children who are under 5 years of age when the programs are not operated and staffed directly by the schools.

2. Programs for children under 3 years of age who are not eligible for participation in the programs under existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457.

(c) The State Board of Education shall adopt rules to implement this subsection, including standards for programs in subparagraphs (a)2. and 3., which recognize the vulnerability of children under 5 years of age and make special provisions to ensure
their health and safety. Such rules shall include, but not be limited to, facilities, personnel staffing and qualifications, transportation, and health and safety practices. In preparing such rules, the Commissioner of Education shall review the standards already existing in the state and the recommendations of appropriate professional and accreditation agencies.

(d) The monitoring and enforcement of compliance with age-appropriate standards established by rule of the State Board of Education shall be the responsibility of the Department of Education.

(2) NONPUBLIC SCHOOLS.—

(a) Programs for children under 3 years of age shall be deemed to be child care and subject to the provisions of ss. 402.301-402.319.

(b) Programs for children in 5-year-old kindergarten and grades one or above shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319.

(c) Programs for children who are at least 3 years of age, but under 5 years of age, shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319 relating to child care facilities, provided the programs in the schools are operated and staffed directly by the schools, provided a majority of the children enrolled in the schools are 5 years of age or older, and provided there is compliance with the screening requirements for personnel pursuant to s. 402.305 or s. 402.3057. A nonpublic school may designate certain programs as child care, in which case these programs shall be subject to the provisions of ss. 402.301-402.319.

(d)1. Programs for children who are at least 3 years of age, but under 5 years of age, which are not licensed under ss. 402.301-402.319 shall substantially comply with the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.

2. The department or local licensing agency shall enforce compliance with such standards, where possible, to eliminate or minimize duplicative inspections or visits by staff enforcing the minimum child care standards and staff enforcing other standards under the jurisdiction of the department.

3. The department or local licensing agency may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

   a. To protect the health, sanitation, safety, and well-being of all children under care.

   b. To enforce its rules and regulations.

   c. To use corrective action plans, whenever possible, to attain compliance prior to the use of more restrictive enforcement measures.
d. To make application for injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of ss. 402.301-402.319. Any violation of this section or of the standards applied under ss. 402.305-402.3057 which threatens harm to any child in the school’s programs for children who are at least 3 years of age, but are under 5 years of age, or repeated violations of this section or the standards under ss. 402.305-402.3057, shall be grounds to seek an injunction to close a program in a school.

e. To impose an administrative fine, not to exceed $100, for each violation of the minimum child care standards promulgated pursuant to ss. 402.305-402.3057.

4. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

a. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or

b. Use information from the criminal records obtained under s. 402.305 or s. 402.3055 for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections.

5. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under s. 402.305 or s. 402.3055 for any purpose other than screening for employment as specified in those sections or to release information from such records to any other person for any purpose other than screening for employment as specified in those sections.

e) The department and the nonpublic school accrediting agencies are encouraged to develop agreements to facilitate the enforcement of the minimum child care standards as they relate to the schools which the agencies accredit.

(3) INSPECTION FEE.—The department shall establish by rule a fee for inspection activities performed pursuant to this section, in an amount sufficient to cover costs. However, the amount of such fee for the inspection of a school shall not exceed the fee imposed for child care licensure pursuant to s. 402.315.

History.—s. 3, ch. 88-391; s. 1, ch. 89-296; s. 35, ch. 90-347; ss. 1, 2, ch. 93-115; s. 94, ch. 2000-349.
402.3026 Full-service schools.—

(1) The State Board of Education and the Department of Health shall jointly establish full-service schools to serve students from schools that have a student population that has a high risk of needing medical and social services, based on the results of the demographic evaluations. The full-service schools must integrate the services of the Department of Health that are critical to the continuity-of-care process. The Department of Health shall provide services to these high-risk students through facilities established within the grounds of the school. The Department of Health professionals shall carry out their specialized services as an extension of the educational environment. Such services may include, without limitation, nutritional services, basic medical services, aid to dependent children, parenting skills, counseling for abused children, counseling for children at high risk for delinquent behavior and their parents, and adult education.

(2) The Department of Health shall designate an executive staff director to coordinate the full-service schools program and to act as liaison with the Department of Education to coordinate the provision of health and rehabilitative services in educational facilities.

History.—s. 20, ch. 90-273; s. 122, ch. 94-209; s. 34, ch. 99-5; s. 146, ch. 99-8.

402.305 Licensing standards; child care facilities.—

(1) LICENSING STANDARDS.—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(a) The standards shall be designed to address the following areas:
1. The health, sanitation, safety, and adequate physical surroundings for all children in child care.
2. The health and nutrition of all children in child care.
3. The child development needs of all children in child care.

(b) All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire
code, as provided in the rules of the State Board of Education, as the minimum standard for fire safety.

(c) The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that different age groups of children may require different standards. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children. The department shall also adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure. Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.

(2) PERSONNEL.— Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter.

(b) The department may grant exemptions from disqualification from working with children or the developmentally disabled as provided in s. 435.07.

(c) Minimum age requirements. Such minimum standards shall prohibit a person under the age of 21 from being the operator of a child care facility and a person under the age of 16 from being employed at such facility unless such person is under direct supervision and is not counted for the purposes of computing the personnel-to-child ratio.

(d) Minimum training requirements for child care personnel.

1. Such minimum standards for training shall ensure that all child care personnel take an approved 40-clock-hour introductory course in child care, which course covers at least the following topic areas:

   a. State and local rules and regulations which govern child care.
   b. Health, safety, and nutrition.
   c. Identifying and reporting child abuse and neglect.
   d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child’s developmental age level.

f. Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators and child care personnel of a child care facility.

g. 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.

Within 90 days after employment, child care personnel shall begin training to meet the training requirements. Child care personnel shall successfully complete such training within 1 year after the date on which the training began, as evidenced by passage of a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations. Child care personnel possessing a 2-year degree or higher that includes 6 college credit hours in early childhood development or child growth and development, or a child development associate credential or an equivalent state-approved child development associate credential, or a child development associate waiver certificate shall be automatically exempted from the training requirements in sub-subparagraphs b., d., and e.

2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.

3. The introductory course shall cover recognition and prevention of shaken baby syndrome; prevention of sudden infant death syndrome; recognition and care of infants and toddlers with developmental disabilities, including autism spectrum disorder and Down syndrome; and early childhood brain development within the topic areas identified in this paragraph.

4. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to take an additional 1 continuing education unit of
approved inservice training, or 10 clock hours of equivalent training, as determined by the department.

5. Child care personnel shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training, as determined by the department, in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subparagraph 4.

6. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and career programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

7. Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

8. The department shall evaluate or contract for an evaluation for the general purpose of determining the status of and means to improve staff training requirements and testing procedures. The evaluation shall be conducted every 2 years. The evaluation shall include, but not be limited to, determining the availability, quality, scope, and sources of current staff training; determining the need for specialty training; and determining ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training. The evaluation methodology shall include a reliable and valid survey of child care personnel.

9. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

(e) Periodic health examinations.

(f) By January 1, 2000, a credential for child care facility directors. By January 1, 2004, the credential shall be a required minimum standard for licensing.

(3) MINIMUM STAFF CREDENTIALS.—By July 1, 1996, for every 20 children in a licensed child care facility, if the facility operates 8 hours or more per week, one of the child care personnel in the facility must have:

(a) A child development associate credential;
(b) A child care professional credential, unless the department determines that such child care professional credential is not equivalent to or greater than a child development associate credential; or

(c) A credential that is equivalent to or greater than the credential required in paragraph (a) or paragraph (b).

The department shall establish by rule those hours of operation, such as during rest periods and transitional periods, when this subsection does not apply.

(4) STAFF-TO-CHILDREN RATIO.—

(a) Minimum standards for the care of children in a licensed child care facility as established by rule of the department must include:

1. For children from birth through 1 year of age, there must be one child care personnel for every four children.
2. For children 1 year of age or older, but under 2 years of age, there must be one child care personnel for every six children.
3. For children 2 years of age or older, but under 3 years of age, there must be one child care personnel for every 11 children.
4. For children 3 years of age or older, but under 4 years of age, there must be one child care personnel for every 15 children.
5. For children 4 years of age or older, but under 5 years of age, there must be one child care personnel for every 20 children.
6. For children 5 years of age or older, there must be one child care personnel for every 25 children.
7. When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group with the largest number of children within the group.

(b) This subsection does not apply to nonpublic schools and their integral programs as defined in s. 402.3025(2)(d)1. In addition, an individual participating in a community service program activity under s. 445.024(1)(e), or a work experience activity under s. 445.024(1)(f), at a child care facility may not be considered in calculating the staff-to-children ratio.

(5) PHYSICAL FACILITIES.— Minimum standards shall include requirements for building conditions, indoor play space, outdoor play space, napping space, bathroom facilities, food preparation facilities, outdoor equipment, and indoor equipment. Because of the nature and duration of drop-in child care, outdoor play space and outdoor equipment shall not be required for licensure; however, if such play space and
equipment are provided, then the minimum standards shall apply to drop-in child care. With respect to minimum standards for physical facilities of a child care program for school-age children which is operated in a public school facility, the department shall adopt the State Uniform Building Code for Public Educational Facilities Construction as the minimum standards, regardless of the operator of the program. The Legislature intends that if a child care program for school-age children is operated in a public school, the program need not conform to standards for physical facilities other than the standards adopted by the Commissioner of Education.

(6) **SQUARE FOOTAGE PER CHILD.**— Minimum standards shall be established by the department by rule.

(a) A child care facility that holds a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child and a minimum of 45 square feet of usable outdoor play area for each child. Outdoor play area shall be calculated at the rate of 45 feet per child in any group using the play area at one time. A minimum play area shall be provided for one half of the licensed capacity. This standard applies as long as the child care facility remains licensed at the site occupied on October 1, 1992, and shall not be affected by any change in the ownership of the site.

(b) A child care facility that does not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility must have a minimum of 35 square feet of usable floor space for each child and a minimum of 45 square feet of usable outdoor play area for each child.

The minimum standard for outdoor play area does not apply in calculating square footage for children under 1 year of age. However, appropriate outdoor infant equipment shall be substituted for outdoor play space. The centers shall provide facilities and equipment conducive to the physical activities appropriate for the age and physical development of the child.

(7) **SANITATION AND SAFETY.**—

(a) Minimum standards shall include requirements for sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards shall require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.

(b) In the case of a child care program for school-age children attending before and after school programs on the public school site, the department shall use the public
school fire code, as adopted in the rules of the State Board of Education, as the minimum standard for fire safety. In the case of a child care program for school-age children attending before-school and after-school programs on a site operated by a municipality, the department shall adopt rules for such site and intended use.

(c) Some type of communications system, such as a pocket pager or beeper, shall be provided to a parent whose child is in drop-in child care to ensure the immediate return of the parent to the child, if necessary.

(8) **NUTRITIONAL PRACTICES.**— Minimum standards shall include requirements for the provision of meals or snacks of a quality and quantity to assure that the nutritional needs of the child are met.

(9) **ADMISSIONS AND RECORDKEEPING.**—

(a) Minimum standards shall include requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information and health records on all children.

(b) During the months of August and September of each year, each child care facility shall provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(c) Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health examinations and requirements for medically signed records of immunization required for child care facilities shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child’s health condition and the type and current status of the child’s immunizations.

(d) Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.

(10) **TRANSPORTATION SAFETY.**— Minimum standards shall include requirements for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children, requirements for annual inspections of the vehicles, limitations on the number of children in the vehicles, and accountability for children being transported.
(11) **ACCESS.**— Minimum standards shall provide for reasonable access to the child care facility by the custodial parent or guardian during the time the child is in care.

(12) **CHILD DISCIPLINE.**—

(a) Minimum standards for child discipline practices shall ensure that age-appropriate, constructive disciplinary practices are used for children in care. Such standards shall include at least the following requirements:

1. Children shall not be subjected to discipline which is severe, humiliating, or frightening.
2. Discipline shall not be associated with food, rest, or toileting.
3. Spanking or any other form of physical punishment is prohibited.

(b) Prior to admission of a child to a child care facility, the facility shall notify the parents in writing of the disciplinary practices used by the facility.

(13) **PLAN OF ACTIVITIES.**— Minimum standards shall ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child. The written plan must include a program, to be implemented periodically for children of an appropriate age, which will assist the children in preventing and avoiding physical and mental abuse.

(14) **URBAN CHILD CARE FACILITIES.**— Minimum standards shall include requirements for child care facilities located in urban areas. The standards must allow urban child care facilities to substitute indoor play space for outdoor play space, if outdoor play space is not available in the area, and must set forth additional requirements that apply to a facility which makes that substitution, including, but not limited to, additional square footage requirements for indoor space; air ventilation provisions; and a requirement to provide facilities and equipment conducive to physical activities appropriate for the age of the children.

(15) **TRANSITION PERIODS.**— During the periods of time in which children are arriving and departing from the child care facility, notwithstanding local fire ordinances, the provisions of subsection (6) are suspended for a period of time not to exceed 30 minutes.

(16) **EVENING AND WEEKEND CHILD CARE.**— Minimum standards shall be developed by the department to provide for reasonable, affordable, and safe evening and weekend child care. Each facility offering evening or weekend child care must meet these minimum standards, regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility. The department may modify by
rule the licensing standards contained in this section to accommodate evening child care.

(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY ILL CHILDREN.— Minimum standards shall be developed by the department, in conjunction with the Department of Health, for specialized child care facilities for the care of mildly ill children. The minimum standards shall address the following areas: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of “mildly ill children”; sanitation and safety; admission and recordkeeping; dispensing of medication; and a schedule of activities.

(18) TRANSFER OF OWNERSHIP.—

(a) One week prior to the transfer of ownership of a child care facility or family day care home, the transferor shall notify the parent or caretaker of each child of the impending transfer.

(b) The department shall, by rule, establish methods by which notice will be achieved and minimum standards by which to implement this subsection.

History.— s. 5, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 1, 6, 7, ch. 83-248; s. 3, ch. 84-551; s. 24, ch. 85-54; s. 41, ch. 87-225; s. 23, ch. 87-238; s. 25, ch. 89-379; s. 2, ch. 90-35; s. 2, ch. 90-225; s. 35, ch. 90-306; s. 10, ch. 91-33; s. 28, ch. 91-57; s. 92, ch. 91-221; s. 2, ch. 91-300; s. 56, ch. 92-58; ss. 1, 2, ch. 93-115; s. 14, ch. 93-156; s. 22, ch. 94-134; s. 22, ch. 94-135; s. 1060, ch. 95-148; s. 18, ch. 95-152; s. 15, ch. 95-158; s. 22, ch. 95-195; s. 41, ch. 95-228; s. 131, ch. 95-418; ss. 76, 77, ch. 96-175; s. 12, ch. 96-268; s. 2, ch. 97-63; s. 2, ch. 98-165; s. 1, ch. 99-241; s. 10, ch. 99-304; s. 164, ch. 2000-165; s. 19, ch. 2000-253; s. 18, ch. 2000-337; ss. 21, 26, ch. 2001-170; s. 2, ch. 2002-300; s. 40, ch. 2003-1; s. 1, ch. 2003-131; s. 3, ch. 2003-146; s. 10, ch. 2004-41; s. 1, ch. 2004-49; s. 58, ch. 2004-267; s. 15, ch. 2004-269; s. 32, ch. 2004-357; s. 7, ch. 2005-71; s. 12, ch. 2007-6; s. 3, ch. 2007-197; s. 1, ch. 2009-147; s. 3, ch. 2010-224.

402.30501 Modification of introductory child care course for community college credit authorized.—The Department of Children and Family Services may modify the 40-clock-hour introductory course in child care under s. 402.305 or s. 402.3131 to meet the requirements of articulating the course to community college credit. Any modification must continue to provide that the course satisfies the requirements of s. 402.305(2)(d).

History.— s. 4, ch. 2002-300.
402.3054 Child enrichment service providers.—

(1) For the purposes of this section, “child enrichment service provider” means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children during a specific time that is not part of the regular program in a child care facility.

(2) The child’s parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the child care facility. A child enrichment service provider receives compensation from the child’s parent or from the child care facility and shall not be considered a volunteer or child care personnel.

(3) A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a child care facility. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel.

History.—s. 18, ch. 2000-253; s. 59, ch. 2004-267.

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall attest to the accuracy of the information requested under penalty of perjury. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

(b) The child care facility employer shall require that the application for a child care personnel position contain a question that specifically asks the applicant if he or she has ever worked in a facility that has had a license denied, revoked, or suspended
in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant shall attest to the accuracy of the information requested under penalty of perjury. If the applicant admits that he or she has been a party in such action, the employer shall review the nature of the denial, suspension, revocation, disciplinary action, or fine before the applicant is hired.

(2) **EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS PROVIDED.**—

(a) The department or local licensing agency shall deny, suspend, or revoke a license or pursue other remedies provided in s. 402.310, s. 402.312, or s. 402.319 in addition to or in lieu of denial, suspension, or revocation for failure to comply with this section. The disciplinary actions determination to be made by the department or the local licensing agency and the procedure for hearing for applicants and licensees shall be in accordance with s. 402.310.

(b) When the department or the local licensing agency has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or other child care program and the child care personnel affected, stating the specific record which indicates noncompliance with the standards in s. 402.305(2).

(c) When the department is the agency initiating the statement regarding noncompliance, the procedures established for hearing under chapter 120 shall be available to the applicant, licensee, or other child care program and to the affected child care personnel, in order to present evidence relating either to the accuracy of the basis of exclusion or to the denial of an exemption from disqualification.

(d) When a local licensing agency is the agency initiating the statement regarding noncompliance of an employee with the standards contained in s. 402.305(2), the employee, applicant, licensee, or other child care program has 15 days from the time of written notification of the agency’s finding to make a written request for a hearing. If a request for a hearing is not received in that time, the permanent employee, applicant, licensee, or other child care program is presumed to accept the finding.

(e) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.

(f) An employee, applicant, licensee, or other child care program shall have the right to appeal a finding of the local licensing agency to a representative of the department. Any required hearing shall be held in the county in which the permanent
employee is employed. The hearing shall be conducted in accordance with the provisions of chapter 120.

(g) Refusal on the part of an applicant or licensee to dismiss child care personnel who have been found to be in noncompliance with personnel standards of s. 402.305(2) shall result in automatic denial or revocation of the license in addition to any other remedies pursued by the department or local licensing agency.

History.—ss. 4, 19, ch. 84-551; s. 25, ch. 85-54; s. 24, ch. 87-238; ss. 36, 61, ch. 90-306; s. 36, ch. 90-347; ss. 1, 2, ch. 93-115; s. 811, ch. 95-148; s. 58, ch. 95-228; s. 7, ch. 95-407; s. 223, ch. 99-13; s. 12, ch. 99-304.

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

History.— s. 1, ch. 87-128; s. 1, ch. 87-141; s. 67, ch. 91-105; s. 7, ch. 91-266; s. 28, ch. 93-39; s. 224, ch. 99-13; s. 9, ch. 2002-219; s. 990, ch. 2002-387; s. 45, ch. 2004-5; s. 15, ch. 2012-215.

402.306 Designation of licensing agency; dissemination by the department and local licensing agency of information on child care.—

(1) Any county whose licensing standards meet or exceed state minimum standards may:

(a) Designate a local licensing agency to license child care facilities in the county; or

(b) Contract with the department to delegate the administration of state minimum standards in the county to the department.

(2) Child care facilities in any county whose standards do not meet or exceed state minimum standards shall be subject to licensing by the department under state minimum standards.
(3) The department and local licensing agencies, or the designees thereof, shall be responsible for coordination and dissemination of information on child care to the community and shall make available upon request all licensing standards and procedures, in addition to the names and addresses of licensed child care facilities and, where applicable pursuant to s. 402.313, licensed or registered family day care homes.

**History.**— s. 6, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 5, ch. 84-551; ss. 1, 2, ch. 93-115.

**402.307 Approval of licensing agency.**—

(1) Within 30 days after the promulgation of state minimum standards, each county shall provide the department with a copy of its standards if they differ from the state minimum standards. At the same time, each county shall provide the department with the administrative procedures it intends to use for the licensing of child care facilities.

(2) The department shall have the authority to determine if local standards meet or exceed state minimum standards. Within 60 days after the county has submitted its standards and procedures, the department, upon being satisfied that such standards meet or exceed state minimum standards and that there is compliance with all provisions of ss. 402.301-402.319, shall approve the local licensing agency.

(3) Approval to issue licenses for the department shall be renewed annually. For renewal, the local licensing agency shall submit to the department a copy of the licensing standards and procedures applied. An onsite review may be made if deemed necessary by the department.

(4) If, following an onsite review, the department finds the local licensing agency is not applying the approved standards, the department shall report the specific violations to the county commission of the involved county which shall investigate the violations and take whatever action necessary to correct them.

(5) To ensure that accurate statistical data are available, each local licensing agency shall report annually to the department the number of child care facilities under its jurisdiction, the number of children served, the ages of children served, and the number of revocations or denials of licenses.

**History.**— s. 7, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 6, ch. 84-551; ss. 1, 2, ch. 93-115.
402.308 Issuance of license.—

(1) ANNUAL LICENSING.— Every child care facility in the state shall have a license which shall be renewed annually.

(2) CHANGE OF OWNERSHIP.— Every child care facility shall reapply for and receive a license prior to the time a new owner assumes responsibility for the facility. The department shall grant or deny the reapplication for license within 45 days from the date upon which the child care facility reapply.

(3) STATE ADMINISTRATION OF LICENSING.— In any county in which the department has the authority to issue licenses, the following procedures shall be applied:

   (a) Application for a license or for a renewal of a license to operate a child care facility shall be made in the manner and on the forms prescribed by the department. The applicant’s social security number shall be included on the form submitted to the department. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each applicant is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

   (b) Prior to the renewal of a license, the department shall reexamine the child care facility, including in that process the examination of the premises and those records of the facility as required under s. 402.305, to determine that minimum standards for licensing continue to be met.

   (c) The department shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the secretary of the department within 15 days after written notice that such conflict exists.

   (d) The department shall issue or renew a license upon receipt of the license fee and upon being satisfied that all standards required by ss. 402.301-402.319 have been met. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any of the child care personnel at the applicant facility have failed the screening required by ss. 402.305(2) and 402.3055.

(4) LOCAL ADMINISTRATION OF LICENSING.— In any county in which there is a local licensing agency approved by the department, the following procedures shall apply:
(a) Application for a license or for renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the local licensing agency.

(b) Prior to the renewal of a license, the agency shall reexamine the child care facility, including in that process the examination of the premises and records of the facility as required in s. 402.305 to determine that minimum standards for licensing continue to be met.

(c) The local agency shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within 15 days after written notice that such conflict exists.

(d) The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by ss. 402.301-402.319 have been met. A license may be issued or renewed if all the screening materials have been timely submitted; however, the local licensing agency shall not issue or renew a license if any of the child care personnel at the applicant facility have failed the screening required by ss. 402.305(2) and 402.3055.

(5) ISSUANCE OF LOCAL OCCUPATIONAL LICENSES.—No county or municipality shall issue an occupational license which is being obtained for the purpose of operating a child care facility regulated under this act without first ascertaining that the applicant has been licensed to operate such facility at the specified location or locations by the department or local licensing agency. The department or local licensing agency shall furnish to local agencies responsible for issuing occupational licenses sufficient instruction for making the above required determinations.

History.—s. 8, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 2, 6, 7, ch. 83-248; s. 7, ch. 84-551; s. 26, ch. 85-54; s. 25, ch. 87-238; ss. 1, 2, ch. 93-115; s. 44, ch. 97-170; s. 225, ch. 99-13.

402.309 Provisional license or registration.—

(1) The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license for child care facilities, family day care homes, or large family child care homes, or a provisional registration for family day care homes to applicants for an initial license or registration or
to licensees or registrants seeking a renewal who are unable to meet all the standards provided for in ss. 402.301-402.319.

(2) A provisional license or registration may not be issued unless the operator or owner makes adequate provisions for the health and safety of the child. A provisional license may be issued for a child care facility if all of the screening materials have been timely submitted. A provisional license or registration may not be issued unless the child care facility, family day care home, or large family child care home is in compliance with the requirements for screening of child care personnel in ss. 402.305, 402.3055, 402.313, and 402.3131, respectively.

(3) The provisional license or registration may not be issued for a period that exceeds 6 months; however, it may be renewed one time for a period that may not exceed 6 months under unusual circumstances beyond the control of the applicant.

(4) The provisional license or registration may be suspended or revoked if periodic inspection or review by the local licensing agency or the department indicates that insufficient progress has been made toward compliance.

(5) The department shall adopt rules specifying the conditions and procedures under which a provisional license or registration may be issued, suspended, or revoked.

History.—s. 9, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 8, ch. 84-551; s. 27, ch. 85-54; s. 26, ch. 87-238; ss. 1, 2, ch. 93-115; s. 7, ch. 2006-91.

402.310 Disciplinary actions; hearings upon denial, suspension, or revocation of license or registration; administrative fines.—

(1)(a) The department or local licensing agency may administer any of the following disciplinary sanctions for a violation of any provision of ss. 402.301-402.319, or the rules adopted thereunder:

1. Impose an administrative fine not to exceed $100 per violation, per day. However, if the violation could or does cause death or serious harm, the department or local licensing agency may impose an administrative fine, not to exceed $500 per violation per day in addition to or in lieu of any other disciplinary action imposed under this section.

2. Convert a license or registration to probation status and require the licensee or registrant to comply with the terms of probation. A probation-status license or registration may not be issued for a period that exceeds 6 months and the probation-status license or registration may not be renewed. A probation-status license or registration may be suspended or revoked if periodic inspection by the department or
local licensing agency finds that the probation-status licensee or registrant is not in compliance with the terms of probation or that the probation-status licensee or registrant is not making sufficient progress toward compliance with ss. 402.301-402.319.

3. Deny, suspend, or revoke a license or registration.

(b) In determining the appropriate disciplinary action to be taken for a violation as provided in paragraph (a), the following factors shall be considered:

1. The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of ss. 402.301-402.319 have been violated.

2. Actions taken by the licensee or registrant to correct the violation or to remedy complaints.

3. Any previous violations of the licensee or registrant.

(c) The department shall adopt rules to:

1. Establish the grounds under which the department may deny, suspend, or revoke a license or registration or place a licensee or registrant on probation status for violations of ss. 402.301-402.319.

2. Establish a uniform system of procedures to impose disciplinary sanctions for violations of ss. 402.301-402.319. The uniform system of procedures must provide for the consistent application of disciplinary actions across districts and a progressively increasing level of penalties from predisiplinary actions, such as efforts to assist licensees or registrants to correct the statutory or regulatory violations, and to severe disciplinary sanctions for actions that jeopardize the health and safety of children, such as for the deliberate misuse of medications. The department shall implement this subparagraph on January 1, 2007, and the implementation is not contingent upon a specific appropriation.

(d) The disciplinary sanctions set forth in this section apply to licensed child care facilities, licensed large family child care homes, and licensed or registered family day care homes.

(2) When the department has reasonable cause to believe that grounds exist for the denial, suspension, or revocation of a license or registration; the conversion of a license or registration to probation status; or the imposition of an administrative fine, it shall determine the matter in accordance with procedures prescribed in chapter 120.

When the local licensing agency has reasonable cause to believe that grounds exist for the denial, suspension, or revocation of a license or registration; the conversion of a license or registration to probation status; or the imposition of an administrative fine, it
shall notify the applicant, registrant, or licensee in writing, stating the grounds upon which the license or registration is being denied, suspended, or revoked or an administrative fine is being imposed. If the applicant, registrant, or licensee makes no written request for a hearing to the local licensing agency within 15 days after receipt of the notice, the license shall be deemed denied, suspended, or revoked; the license or registration shall be converted to probation status; or an administrative fine shall be imposed.

(3) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.

(4) An applicant, registrant, or licensee shall have the right to appeal a decision of the local licensing agency to a representative of the department. Any required hearing shall be held in the county in which the child care facility, family day care home, or large family child care home is being operated or is to be established. The hearing shall be conducted in accordance with the provisions of chapter 120.

History.—s. 10, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-117; s. 1, ch. 77-457; s. 19, ch. 78-95; ss. 2, 3, ch. 81-318; ss. 3, 6, 7, ch. 83-248; s. 9, ch. 84-551; s. 42, ch. 87-225; s. 37, ch. 90-306; ss. 1, 2, ch. 93-115; s. 24, ch. 2000-153; s. 3, ch. 2006-91.

402.311 Inspection.—A licensed child care facility shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities and personnel and to those records required in s. 402.305, at reasonable times during regular business hours, to ensure compliance with the provisions of ss. 402.301-402.319. The right of entry and inspection shall also extend to any premises which the department or local licensing agency has reason to believe are being operated or maintained as a child care facility without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same. Any application for a license or renewal made pursuant to this act or the advertisement to the public for the provision of child care as defined in s. 402.302 shall constitute permission for any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with the application. In the event a licensed facility refuses permission for entry or inspection to the department or local licensing agency, a warrant shall be obtained from the circuit court authorizing same prior to such entry or inspection. The department or local
licensing agency may institute disciplinary proceedings pursuant to s. 402.310, for such refusal.

History.—s. 11, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 10, ch. 84-551; s. 61, ch. 90-306; ss. 1, 2, ch. 93-115.

402.3115 Elimination of duplicative and unnecessary inspections; abbreviated inspections.—The Department of Children and Family Services and local governmental agencies that license child care facilities shall develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities. In addition, the department and the local governmental agencies shall develop and implement an abbreviated inspection plan for child care facilities that have had no Class 1 or Class 2 deficiencies, as defined by rule, for at least 2 consecutive years. The abbreviated inspection must include those elements identified by the department and the local governmental agencies as being key indicators of whether the child care facility continues to provide quality care and programming.

History.—s. 79, ch. 96-175; s. 147, ch. 99-8; s. 226, ch. 99-13.

402.312 License required; injunctive relief.—

(1) The operation of a child care facility without a license, a family day care home without a license or registration, or a large family child care home without a license is prohibited. If the department or the local licensing agency discovers that a child care facility is being operated without a license, a family day care home is being operated without a license or registration, or a large family child care home is being operated without a license, the department or local licensing agency is authorized to seek an injunction in the circuit court where the facility is located to enjoin continued operation of such facility, family day care home, or large family child care home. When the court is closed for the transaction of judicial business, the department or local licensing agency is authorized to seek an emergency injunction to enjoin continued operation of such unlicensed facility, unregistered or unlicensed family day care home, or unlicensed large family child care home, which injunction shall be continued, modified, or revoked on the next day of judicial business.

(2) Other grounds for seeking an injunction to close a child care facility, family day care home, or a large family child care home are that:

(a) There is any violation of the standards applied under ss. 402.301-402.319 which threatens harm to any child in the child care facility, a family day care home, or large family child care home.
(b) A licensee or registrant has repeatedly violated the standards provided for under ss. 402.301-402.319.

(c) A child care facility, family day care home, or large family child care home continues to have children in attendance after the closing date established by the department or the local licensing agency.

(3) The department or local licensing agency may impose an administrative fine on any child care facility, family day care home, or large family child care home operating without a license or registration, consistent with the provisions of s. 402.310.

History.—s. 12, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 4, 6, 7, ch. 83-248; s. 11, ch. 84-551; s. 61, ch. 90-306; ss. 1, 2, ch. 93-115; s. 2, ch. 2003-131.

402.3125 Display and appearance of license; posting of violations; information to be provided to parents.—

(1) (a) Upon receipt of a license issued under s. 402.308 or s. 402.309, the child care facility shall display such license in a conspicuous place within the facility.

(b) 1. In addition to posting the license as required under paragraph (a), the child care facility shall post with the license:
   a. Each citation for a violation of any standard or requirement of ss. 402.301-402.319 that has resulted in disciplinary action under s. 402.310 or s. 402.312.
   b. An explanation, written in simple language, of each citation.
   c. A description, written in simple language, of the corrective action, if any, taken by the facility for each citation. Included in the description shall be the dates on which the corrective action was taken.

2. Each citation, explanation, and description of corrective action shall remain posted for 1 year after the citation’s effective date.

(2) The department shall ensure that every license it issues under s. 402.308 or s. 402.309 bears the distinctive seals of the State of Florida and of the department and is clearly recognizable by its size, color, seals, and contents to be a state license or provisional license for a child care facility.

(3) Each local licensing agency shall ensure that every license it issues under s. 402.308 or s. 402.309 bears the distinctive seals of the issuing county and of the department and is clearly recognizable by its size, color, seals, and contents to be a county license or provisional license for a child care facility. Noncompliance by a local licensing agency shall be deemed by the department to be failure to meet minimum
state standards and shall result in the department immediately assuming licensure authority in the county.

(4) Any license issued pursuant to subsection (2) or subsection (3) shall include the name, address, and telephone number of the licensing agency.

(5) The department shall develop a model brochure for distribution by the department and by local licensing agencies to every child care facility in the state. Pursuant thereto:

(a) Upon receipt of such brochures, each child care facility shall provide a copy of same to every parent, guardian, or other person having entered a child in such facility. Thereafter, a copy of such brochure shall be provided to every parent, guardian, or other person entering a child in such facility upon entrance of the child or prior thereto.

(b) Each child care facility shall certify to the department or local licensing agency, whichever is appropriate, that it has so provided and will continue to so provide such brochures, which certification shall operate as a condition upon issuance and renewal of licensure. Noncompliance by any child care facility shall be grounds for sanction as provided in ss. 402.310 and 402.312.

(c) The brochure shall, at a minimum, contain the following information:

1. A statement that the facility is licensed and has met state standards for licensure as established by s. 402.305 or that the facility is licensed by a local licensing agency and has met or exceeded the state standards, pursuant to ss. 402.306 and 402.307. Such statement shall include a listing of specific standards that licensed facilities must meet pursuant to s. 402.305.

2. A statement indicating that information about the licensure status of the child care facility can be obtained by telephoning the department office or the office of the local licensing agency issuing the license at a telephone number or numbers which shall be printed upon or otherwise affixed to the brochure.

3. The statewide toll-free telephone number of the central abuse hotline, together with a notice that reports of suspected and actual cases of child physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline.

4. The date that the current license for the facility was issued and the date of its scheduled expiration if it is not renewed.

5. Any other information relating to competent child care that the department deems would be helpful to parents and other caretakers in their selection of a child care facility.
(d) The department shall prepare a brochure containing substantially the same information as specified in paragraph (c) and shall make such brochure available to all interested persons, including physicians and other health professionals; mental health professionals; school teachers or other school personnel; social workers or other professional child care, foster care, residential, or institutional workers; and law enforcement officers.

History.—ss. 12, 19, ch. 84-551; s. 43, ch. 87-225; s. 61, ch. 90-306; ss. 1, 2, ch. 93-115; s. 1, ch. 95-329; s. 95, ch. 2000-349.

402.313 Family day care homes.—

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed.

(a) If not subject to license, family day care homes shall register annually with the department, providing the following information:

1. The name and address of the home.
2. The name of the operator.
3. The number of children served.
4. Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.
5. Proof of screening and background checks.
6. Proof of successful completion of the 30-hour training course, as evidenced by passage of a competency examination, which shall include:
   a. State and local rules and regulations that govern child care.
   b. Health, safety, and nutrition.
   c. Identifying and reporting child abuse and neglect.
   d. Child development, including typical and atypical language development; and cognitive, motor, social, and self-help skills development.
   e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine a child’s developmental level.
   f. Specialized areas, including early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators of family day care homes.
7. Proof that immunization records are kept current.
8. Proof of completion of the required continuing education units or clock hours.
(b) A family day care home may volunteer to be licensed under this act.

(c) The department may provide technical assistance to counties and family day care home providers to enable counties and family day care providers to achieve compliance with family day care homes standards.

(2) This information shall be included in a directory to be published annually by the department to inform the public of available child care facilities.

(3) Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in ss. 402.305(2) and 402.3055. For purposes of screening in family day care homes, the term includes any member over the age of 12 years of a family day care home operator’s family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator’s family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records.

(4) Operators of family day care homes must successfully complete an approved 30-clock-hour introductory course in child care, as evidenced by passage of a competency examination, before caring for children.

(5) In order to further develop their child care skills and, if appropriate, their administrative skills, operators of family day care homes shall be required to complete an additional 1 continuing education unit of approved training or 10 clock hours of equivalent training, as determined by the department, annually.

(6) Operators of family day care homes shall be required to complete 0.5 continuing education unit of approved training in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subsection (5).

(7) Operators of family day care homes shall be required annually to complete a health and safety home inspection self-evaluation checklist developed by the department in conjunction with the statewide resource and referral program. The completed checklist shall be signed by the operator of the family day care home and provided to parents as certification that basic health and safety standards are being met.

(8) Family day care home operators may avail themselves of supportive services offered by the department.

(9) The department shall prepare a brochure on family day care for distribution by the department and by local licensing agencies, if appropriate, to family day care
homes for distribution to parents utilizing such child care, and to all interested persons, including physicians and other health professionals; mental health professionals; school teachers or other school personnel; social workers or other professional child care, foster care, residential, or institutional workers; and law enforcement officers. The brochure shall, at a minimum, contain the following information:

(a) A brief description of the requirements for family day care registration, training, and fingerprinting and screening.

(b) A listing of those counties that require licensure of family day care homes. Such counties shall provide an addendum to the brochure that provides a brief description of the licensure requirements or may provide a brochure in lieu of the one described in this subsection, provided it contains all the required information on licensure and the required information in the subsequent paragraphs.

(c) A statement indicating that information about the family day care home’s compliance with applicable state or local requirements can be obtained by telephoning the department office or the office of the local licensing agency, if appropriate, at a telephone number or numbers which shall be affixed to the brochure.

(d) The statewide toll-free telephone number of the central abuse hotline, together with a notice that reports of suspected and actual child physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline.

(e) Any other information relating to competent child care that the department or local licensing agency, if preparing a separate brochure, deems would be helpful to parents and other caretakers in their selection of a family day care home.

(10) On an annual basis, the department shall evaluate the registration and licensure system for family day care homes. Such evaluation shall, at a minimum, address the following:

(a) The number of family day care homes registered and licensed and the dates of such registration and licensure.

(b) The number of children being served in both registered and licensed family day care homes and any available slots in such homes.

(c) The number of complaints received concerning family day care, the nature of the complaints, and the resolution of such complaints.

(d) The training activities utilized by child care personnel in family day care homes for meeting the state or local training requirements.

The evaluation shall be utilized by the department in any administrative modifications or adjustments to be made in the registration of family day care homes or in any legislative
requests for modifications to the system of registration or to other requirements for family day care homes.

(11) In order to inform the public of the state requirement for registration of family day care homes as well as the other requirements for such homes to legally operate in the state, the department shall institute a media campaign to accomplish this end. Such a campaign shall include, at a minimum, flyers, newspaper advertisements, radio advertisements, and television advertisements.

(12) Notwithstanding any other state or local law or ordinance, any family day care home licensed pursuant to this chapter or pursuant to a county ordinance shall be charged the utility rates accorded to a residential home. A licensed family day care home may not be charged commercial utility rates.

(13) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

(14) During the months of August and September of each year, each family day care home shall provide parents of children enrolled in the home detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

History.—s. 13, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 28, ch. 85-54; s. 44, ch. 87-225; s. 27, ch. 87-238; s. 38, ch. 90-306; s. 3, ch. 91-300; ss. 1, 2, ch. 93-115; s. 46, ch. 95-196; s. 59, ch. 95-228; s. 80, ch. 96-175; s. 3, ch. 97-63; s. 39, ch. 97-173; s. 14, ch. 99-304; s. 96, ch. 2000-349; s. 62, ch. 2002-1; s. 3, ch. 2002-300; s. 3, ch. 2003-131; s. 4, ch. 2006-91; s. 2, ch. 2009-147; s. 11, ch. 2010-210.

402.3131 Large family child care homes.—

(1) Large family child care homes shall be licensed under this section.

(a) A licensed family day care home must first have operated for a minimum of 2 consecutive 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.

(b) The department may provide technical assistance to counties and family day care home providers to enable the counties and providers to achieve compliance with minimum standards for large family child care homes.

(2) Child care personnel in large family child care homes shall be subject to the applicable screening provisions contained in ss. 402.305(2) and 402.3055. For purposes of screening child care personnel in large family child care homes, the term “child care personnel” includes any member of a large family child care home operator’s family 12 years of age or older, or any person 12 years of age or older residing with the operator in the large family child care home. Members of the operator’s family, or persons residing with the operator, who are between the ages of 12 years and 18 years, inclusive, shall not be required to be fingerprinted, but shall be screened for delinquency records.

(3) Operators of large family child care homes must successfully complete an approved 40-clock-hour introductory course in group child care, as evidenced by passage of a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25.

(4) In order to further develop their child care skills and, if appropriate, their administrative skills, operators of large family child care homes who have completed the required introductory course shall be required to complete an additional 1 continuing education unit of approved training or 10 clock hours of equivalent training, as determined by the department, annually.

(5) Operators of large family child care homes shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training, as determined by the department, in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subsection (4).

(6) The department shall prepare a brochure on large family child care homes for distribution to the general public.

(7) The department shall, by rule, establish minimum standards for large family child care homes. The standards shall include, at a minimum, requirements for staffing, maintenance of immunization records, minimum health standards, minimum safety standards, minimum square footage, and enforcement of standards.
Prior to being licensed by the department, large family child care homes must be approved by the state or local fire marshal in accordance with standards established for child care facilities.

During the months of August and September of each year, each large family child care home shall provide parents of children enrolled in the home detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

History.—s. 15, ch. 99-304; s. 1, ch. 2002-300; s. 41, ch. 2003-1; s. 4, ch. 2003-131; s. 5, ch. 2006-91; s. 3, ch. 2009-147.

402.314 Supportive services.—The department shall provide consultation services, technical assistance, and inservice training, when requested and as available, to operators, licensees, registrants, and applicants to help improve programs, homes, and facilities for child care, and shall work cooperatively with other organizations and agencies concerned with child care.

History.—s. 13, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 29, ch. 85-54; ss. 1, 2, ch. 93-115.

402.315 Funding; license fees.—

(1) If the county designates a local agency to be responsible for the licensing of child care facilities, the county shall bear at least 75 percent of the costs involved.

(2) The department shall bear the costs of the licensing of child care facilities when contracted to do so by a county or when directly responsible for licensing in a county which fails to meet or exceed state minimum standards.

(3) The department shall collect a fee for any license it issues for a child care facility, family day care home, or large family child care home pursuant to ss. 402.305, 402.313, and 402.3131.

(a) For a child care facility licensed pursuant to s. 402.305, such fee shall be $1 per child, based on the licensed capacity of the facility, except that the minimum fee shall be $25 per facility and the maximum fee shall be $100 per facility.

(b) For a family day care home registered pursuant to s. 402.313, such fee shall be $25.

(c) For a family day care home licensed pursuant to s. 402.313, such fee shall be $50.
(d) For a large family child care home licensed pursuant to s. 402.3131, such fee shall be $60.

(4) Any county may collect a fee for any license it issues pursuant to s. 402.308.

(5) All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal Quality Care program created pursuant to s. 402.281.

History.—s. 15, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 5, 6, 7, ch. 83-248; s. 13, ch. 84-551; s. 30, ch. 85-54; ss. 1, 2, ch. 93-115; s. 81, ch. 96-175; s. 14, ch. 2010-210.

402.316 Exemptions.—

(1) The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility’s exemption from licensure.

(2) Any county or city with state or local child care licensing programs in existence on July 1, 1974, will continue to license the child care facilities as covered by such programs, notwithstanding the provisions of subsection (1), until and unless the licensing agency makes a determination to exempt them.

(3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

History.—s. 16, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 6, 7, ch. 83-248; s. 14, ch. 84-551; s. 31, ch. 85-54; ss. 1, 2, ch. 93-115.

402.317 Prolonged child care.—Notwithstanding the time restriction specified in s. 402.302(1), child care may be provided for 24 hours or longer for a child whose parent or legal guardian works a shift of 24 hours or more. The requirement that a parent or
legal guardian work a shift of 24 hours or more must be certified in writing by the employer, and the written certification shall be maintained in the facility by the child care provider and made available to the licensing agency. The time that a child remains in child care, however, may not exceed 72 consecutive hours in any 7-day period. During a declared state of emergency, the child care licensing agency may temporarily waive the time limitations provided in this section.

**History.**—s. 8, ch. 2006-91.

**402.318 Advertisement.**— A person, as defined in s. 1.01(3), may not advertise a child care facility, family day care home, or large family child care home without including within such advertisement the state or local agency license number or registration number of such facility or home. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**— ss. 15, 19, ch. 84-551; s. 74, ch. 91-224; ss. 1, 2, ch. 93-115; s. 3, ch. 2011-75.

**402.319 Penalties.**—

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person knowingly to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under ss. 402.301-402.318 all information required under those sections or a material fact used in making a determination as to such person’s qualifications to be child care personnel, as defined in s. 402.302, in a child care facility, family day care home, or other child care program.

(b) Operate or attempt to operate a child care facility without having procured a license as required by this act.

(c) Operate or attempt to operate a family day care home without a license or without registering with the department, whichever is applicable.

(d) Operate or attempt to operate a child care facility or family day care home under a license that is suspended, revoked, or terminated.

(e) Misrepresent, by act or omission, a child care facility or family day care home to be duly licensed pursuant to this act without being so licensed.

(f) Make any other misrepresentation, by act or omission, regarding the licensure or operation of a child care facility or family day care home to a parent or guardian who has a child placed in the facility or is inquiring as to placing a child in the
facility, or to a representative of the licensing authority, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to:

1. The number of children at the child care facility or the family day care home;
2. The part of the child care facility or family day care home designated for child care;
3. The qualifications or credentials of child care personnel;
4. Whether a family day care home or child care facility complies with the screening requirements of s. 402.305; or
5. Whether child care personnel have the training as required by s. 402.305.

(2) If any child care personnel makes any misrepresentation in violation of this section to a parent or guardian who has placed a child in the child care facility or family day care home, and the parent or guardian relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or negligence by the child care personnel, then the child care personnel commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—ss. 16, 19, ch. 84-551; s. 32, ch. 85-54; s. 37, ch. 90-347; ss. 1, 2, ch. 93-115; s. 60, ch. 95-228; s. 2, ch. 99-207.
Chapter 65C-22
Florida Administrative Code
Child Care Standards

January 13, 2010

This copy has been modified for easy reading.
For an official copy refer to the Florida Administrative Code.
You can access the Florida Administrative Code at http://election.dos.state.fl.us/fac/index.shtml
65C-22.001 General Information.

(1) Application.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, March 2009, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department’s website at www.myflorida.com/childcare.

(b) Each completed CF-FSP Form 5017 must be submitted with the licensure fee pursuant to Section 402.315, F.S.

(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 submission of background screening documents for the owner/operator, and approved fire and environmental health inspections.

(d) A completed CF-FSP Form 5017 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5017 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-22.010(2)(d), F.A.C.

(e) Urban Child Care.

1. In order to be classified as an urban child care facility, the applicant, prior to submitting an application for licensure must:
   a. Obtain written documentation from the local governing body that confirms the geographical area has been declared urban; and
   b. Consult with the licensing authority to verify that the required outdoor play space, required by subsection 65C-22.002(4), F.A.C., does not exist or cannot be made available. Urban designation will not be granted if the licensing authority determines space for an outdoor play area is available. Outdoor play space is “available” if appropriate space:
      (I) is adjacent to the facility, or
      (II) can be reached by a route that is free of hazards and is within 1/8 mile of the facility.

2. If requirements in subparagraph 1., above, are met, the applicant must complete and submit the CF-FSP Form 5017.

3. No application for an urban child care facility designation will be approved by the licensing authority without the above criteria being met.

(2) License.

(a) A child care facility license is issued in the name of the owner. The owner may be an individual, partnership, association, or corporation.

(b) 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. Posting a notice in a conspicuous location at the facility;
2. Incorporating information into an existing newsletter; or
3. Individual letters or flyers.

(c) The total number of children in care on-site and while on field trips may never exceed the facility’s licensed capacity.

(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 is not a disciplinary sanction.

(3) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the child care facility, and on the premises at all times.

(4) Ratios.
(a) The staff-to-child ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children, and applies at all times while children are in care.
(b) Mixed Age Groups.
1. In groups of mixed age ranges, where children under one year of age are included, one staff member shall be responsible for no more than four children of any age group, at all times.
2. In groups of mixed age ranges, where children one year of age but under two years of age are included, one staff member shall be responsible for no more than six children of any age group, at all times.
(c) For every 20 children, a child care facility must have one (1) credentialed staff member pursuant to Section 402.305(3), F.S.

(5) Supervision.
(a) Direct supervision means watching and directing children’s activities within the same room or designated outdoor play area, and responding to the needs of each child. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children, and be present with that group of children at all times. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care, shall be capable of responding to emergencies, and are accountable for children at all times, including when children are separated from their groups.
(b) During nap time, supervision requires that staff be in close proximity, within sight and hearing of all the children. All other staff required to meet the staff-to-child ratio shall be within the same building on the same floor, and must be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision, as described in this Section, does not include supervision of children up to 24 months of age, who must be directly supervised at all times.
(c) No person shall be an operator, owner, or employee of a child care facility while using or under the influence of narcotics, alcohol, or other drugs that impair an individual’s ability to provide supervision and safe child care.
(d) Additional Supervision Requirements.
1. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one additional adult must be present on all field trips away from the child care facility to assist in providing direct supervision.
2. If a child care facility uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the child care facility must provide one person with a certified lifeguard certificate or equivalent unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (d)1., above.
3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

(6) Transportation. For the purpose of this Section, vehicles refer to those that are owned, operated, or regularly used by the child care facility and vehicles that provide transportation through a contract or agreement with an outside entity. Parents’ personal vehicles used during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2., (b) & (c), F.A.C.
(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall
have the following:

1. A valid Florida driver’s license,
2. An annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.

(b) All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S.
(c) All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.
(d) The maximum number of individuals transported in a vehicle may not exceed the manufacturer’s designated seating capacity or the number of factory installed seat belts.
(e) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(f) When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio. Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. **Driver’s Log.** A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of four months. The log shall include each child’s name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver’s log and that all children have left the vehicle.

2. **Upon arrival at the destination,** the driver of the vehicle shall:
   a. Mark each child off the log as the children depart the vehicle;
   b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
   c. Sign, date and record the driver’s log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.

3. **Upon arrival at the destination,** a second staff member shall:
   a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
   b. Sign, date and record the driver’s log immediately, verifying that all children were accounted for and that the log is complete.

(g) Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.

(7) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled daily activities posted in a conspicuous location accessible to parents. The written plan must meet the needs of the children being served and include scheduled activities that:

1. Promote emotional, social, intellectual and physical growth;
2. Include quiet and active play, both indoors and outdoors; and
3. Include meals, snacks and nap times, if appropriate for the age and the times the children are in care.

(b) Providers are encouraged to advise parents or legal guardians of their child’s activities on a daily basis and to participate in the program’s activities.

(c) Parents or legal guardians must be advised in advance of each field trip activity. The date, time, and location of the field trip must be posted in a conspicuous location at least two working days prior to each field trip. Written parental permission must be obtained in the form of a general permission slip. If special circumstances arise where notification of an event cannot be posted for two working days, individual
permission slips must be obtained from the custodial parent or legal guardian for each child participating on
the field trip. Documentation of parental permission for field trips shall be maintained for a minimum of four
months from the date of each field trip.

(8) Child Discipline.

(a) Verification that the child care facility has provided, in writing, the disciplinary policy used by the
facility shall be documented on the enrollment form with the signature of the custodial parent or legal
guardian.

(b) All child care personnel must comply with the facility’s written disciplinary policy. Such policies shall
include standards that prohibit children from being subjected to discipline which is severe, humiliating,
frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is
prohibited for all child care personnel.

(c) A copy of the facility’s current written disciplinary policy must be available to the licensing authority
to review for compliance with Section 402.305(12), F.S.

(9) Access. A child care facility must provide the custodial parent or legal guardian access, in person and
by telephone, to the child care facility during the facility’s normal hours of operation or during the time the
child is in care.

(10) Attendance. Daily attendance of children shall be taken and recorded by the child care facility
personnel, documenting the time when each child enters and departs a child care facility or program. The
custodial parent or guardian may document the time when their child(ren) enter and depart the child care
facility or program. However, child care facility personnel are responsible for ensuring that attendance records
are complete and accurate. Such records shall be maintained for a minimum of four months. Attendance forms
used for Voluntary Pre-Kindergarten or School Readiness may be used if applicable.

(11) Child Safety.

(a) Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S.,
constitute a violation of the standards in Sections 402.301-.319, F.S., and shall support imposition of a
sanction, as provided in Section 402.310, F.S.

(b) Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a
violation of the standards in Sections 402.301-.319, F.S.

Rulemaking Authority 402.305, 402.309, FS. Law Implemented 402.305, 402.309, 402.3055, 402.308,
402.310, 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.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) All child care facilities must be clean, in good repair, free from health and safety hazards and from
vermin infestation.

(b) During the hours that the facility is in operation, no portion of the building shall be used for any
activity which endangers the health and safety of children.

(c) It is the responsibility of the director/operator to ensure all areas of the facility are free from fire
hazards, such as, lint build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

(d) All areas and surfaces accessible to children shall be free from toxic substances and hazardous
materials.

(e) Animals must be properly immunized, free from disease, and clean. Parents must be informed in
writing of all animals on the premises. Such information may be provided by way of a conspicuously posted
notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

Documentation of current immunizations must be available for review upon request by the licensing authority.
(f) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives, sharp tools, and other potentially dangerous hazards, shall either be stored in a locked area or must be inaccessible and out of a child’s reach.

(g) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or upon any person located on the premises, excluding federal, state or local Law Enforcement Officers.

(h) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

(i) Pursuant to Chapter 386, F.S., smoking is prohibited within the child care facility, all outdoor areas, during field trips, and in vehicles when being used to transport children. Owners/operators are to notify custodial parents and legal guardians, in writing, that smoking is prohibited on the premises of the child care facility.

(j) Design and construction of a new child care facility or modifications to an existing facility must meet the minimum requirements of the applicable local governing body.

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision, and for safe methods of entering and exiting each room.

(b) In reading, painting, and other close work areas, lighting must be equivalent to 50 foot candles on the work surface.

(c) During naptime, lighting must be sufficient to visually observe and supervise children.

(d) An inside temperature of 65 to 82 degrees Fahrenheit must be maintained at all times.

(e) Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(f) Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) A child care facility that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A child care facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility, must have a minimum of 35 square feet of usable indoor floor space for each child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space, for the facility as a whole, is calculated by measuring at floor level from interior walls, and by deleting space for stairways, toilets and bath facilities, permanent fixtures, and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must also have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times, pursuant to Section 402.305(6), F.S.

(d) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(e) Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens.

(f) The capacity, as calculated by the licensing authority for each room, must be posted in a conspicuous location within the room.

(g) When common or multi-purpose areas are used for dining or occasional large group assembly activities and special events, the applicable 20 or 35 square feet requirement of usable space for each child does not apply for that period of time only; however, the facility must maintain minimum square footage per child in accordance with the local fire authority requirements.

(4) Outdoor Play Area.
(a) There shall be a minimum of 45 square feet of usable, safe, and sanitary outdoor play area per child, one year of age and older. A minimum outside play area shall be provided for one-half of this identified population.

(b) The outdoor play area shall be calculated at the rate of 45 square feet per child in any group using the play area at one time.

(c) The outdoor play area shall be clean, free from litter, nails, glass, and other hazards.
   1. The outdoor play area shall provide shade.
   2. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided.

(d) The facility’s outdoor play area shall be fenced in accordance with local ordinances to prevent access by children to all water hazards, within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

(e) The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals.

(f) For the purposes of child care facilities that are providing care to school-age children, a fence is not required if all the following conditions are met:
   1. The children using the outdoor play area are in five-year-old kindergarten and grades one or above;
   2. One additional staff member above the established staff-to-child ratios provides direct supervision during all outdoor activities;
   3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour, and the playground is a minimum of 30 feet from the edge of the road; and
   4. The licensing authority has provided written authorization to the program to operate without a fence.

(g) For the purposes of a licensed urban child care facility, an additional minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity shall be substituted for outdoor play space. The urban child care facility must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.

(h) Infants in care shall be provided opportunities for outdoor time each day that weather permits.

(5) Napping and Sleeping Space. For the purposes of these standards, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each facility must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) A minimum distance of 18 inches must be maintained around individual napping and sleeping spaces, except a maximum of two sides of a napping or sleeping space may be against a solid barrier, such as a wall. The solid side of a crib does not meet the requirement of a solid barrier.
   1. Napping and sleeping spaces shall not be under furniture or against furniture that may create a hazard.
   2. Napping and sleeping spaces shall not interfere with exit areas, which must remain clear in accordance with fire safety regulations.

(c) Children up to one year of age must be in an individual crib, portacrib, or playpen with sides. Crib sides must be raised and secured while an infant is in the crib, and bar spacing may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations, January 2009, which is incorporated by reference. A copy may be obtained from the department’s website, www.myflorida.com/childcare. No double or multi-deck cribs, cots or beds may be used.
When napping or sleeping, young infants who are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS) unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child’s record.

(6) Toilet and Bath Facilities.

(a) Each child care facility shall provide and maintain toilet and bath facilities that are easily accessible, and at a height usable by the children. Platforms are acceptable when safely constructed, with an impervious surface that can be easily cleaned and sanitized or disinfected.

(b) For facilities having from one to 15 children, there shall be one toilet and one wash basin. There shall be one additional toilet and basin for every 30 children thereafter. For design and construction of a new child care facility or modification to an existing facility, paragraph (1)(j) above shall apply.

1. If only diapered infants are cared for in the facility, then one toilet plus two basins per 30 infants are required.

2. Potty chairs, if used, shall be in addition to the toilet requirements, and shall be cleaned and sanitized or disinfected after each use.

(c) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(d) Children must receive supervision and care in accordance with their age and required needs, and be accounted for at all times while bathing or toileting.

(e) At least one portable or permanent bath facility shall be provided and be available for bathing children. The portable or permanent bath facility shall be clean and must be sanitized or disinfected after each use.

(f) Running water, soap, trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained shall be available and within reach of children using the toileting facility.

(g) Each basin and toilet must be maintained in good operating condition, clean, and sanitized or disinfected as needed, at least once per day.

(7) Fire and Emergency Safety.

(a) Unless statutorily exempted, all child care facilities shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Nonresidential Child Care Facilities, and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority.

(b) There shall be at least one corded telephone in the child care facility that is neither locked nor located at a pay station that is available to all staff during the hours of operation.

(c) The child care facility must properly maintain fire extinguishers at all times.

(d) The operator shall prepare and post an emergency evacuation plan in each room of the facility, excluding restrooms, including a diagram of safe routes by which the personnel and children may exit in the event of fire or other emergency requiring evacuation.

(e) During the facility’s licensure year, fire drills shall be conducted a minimum of 10 times and be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:

1. One fire drill during the established napping/sleeping times,

2. One fire drill using an alternate evacuation route, and

3. One fire drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

(f) The operator shall maintain a written record of the fire drills showing the date, number of children and
staff in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Each fire drill record shall be maintained for a minimum of one year from the date of the fire drill.

(g) When the facility’s fire alarm is activated, all adults and children must evacuate the facility.

(h) The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the child care facility during a fire, lockdown and inclement weather (tornadoes).

(i) Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

(j) The operator shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.

(k) Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

(l) After a fire or natural disaster, the operator must notify the licensing authority within 24 hours as to their operational status in order for the licensing authority to ensure health standards are being met for continued operation.

(8) Health and Sanitation.

(a) General Requirements.

1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

2. Employees, volunteers, and children shall wash their hands with soap and running water, dry thoroughly, and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. If children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines are practiced, such as brushing teeth and washing face and hands. Toothbrushes, towels, and wash cloths may not be shared. Toothbrushes shall be stored so that they cannot touch each other.

(b) Diapering Requirements.

1. Hand-washing facilities that include a basin with running water, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained shall be provided in the infant room or in an adjoining room which opens into the room where infants or children with special needs in diapers are in care.

2. Hands shall be washed and dried thoroughly after each diapering or toileting procedure, and all surfaces touched shall be cleaned and sanitized or disinfected to prevent the spread of germs.

3. Handwashing sinks shall not be used for food service preparation or food clean up.

4. The diaper changing area shall be physically separated from the food preparation, food service, and feeding area.

5. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface that is cleaned and sanitized or disinfected after each use.

6. Children must be attended at all times when being diapered or when changing clothes.

7. Items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.

8. There shall be a supply of clean diapers, clothing, and linens at all times. When diapers, clothing or
linens that are in use become soiled or wet, they shall be changed immediately, and properly disposed.

a. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container that is not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected at least daily.

b. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container that is not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected, at least, daily.

(c) Bedding and Linens.

1. Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Sleep bedding includes beds, cribs, or mattresses (excluding an air mattress or a foam mattress). Nap bedding includes sleep bedding, cots, playpens, or floor mats. Floor mats must be at least one inch thick, and covered with an impermeable surface cleaned and sanitized or disinfected after each use. Bedding must be appropriate for the child’s size. Nap bedding is not required for school-age children; however, the program or facility shall provide an area as described in paragraph (5)(a), above for those children choosing to rest.

2. Linens, if used, must be laundered at least once each week and more often if soiled or dirty. Linens, if used for more than one child shall be laundered between usage. Linens must be provided when children are sleeping, and pillows and blankets must be available.

3. Linens, when not in use, must be stored in a sanitary manner which prevents the spread of germs or lice from other linens.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility shall make available toys, equipment, and furnishings suitable to each child’s age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment, and furnishings must be safe and maintained in a sanitary condition, and shall be cleaned and sanitized or disinfected immediately if exposed to bodily fluids, such as saliva.

(b) Outdoor Equipment.

1. A child care facility shall provide and maintain equipment, and play activities suitable to each child’s age and development.

2. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include inspections, at least every other month, of all supports above and below the ground, and all connectors and moving parts. Documentation of maintenance inspections shall be retained for one year.

3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience, and is maintained to reduce the incidence of injuries to children in the event of falls.

4. All equipment, fences, and objects on the facility’s premises shall be free from sharp, broken and jagged edges, and properly placed to prevent overcrowding or safety hazards in any one area.

5. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage, and must be maintained in a safe and sanitary condition.

Rulemaking Authority 402.301, 402.305 FS. Law Implemented 402.305 FS. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05, 4-12-07, Repromulgated 5-1-08, 1-13-10.

65C-22.003 Training.

(1) Definitions.

(a) “Active” is the status of a candidate’s awarded credential or certification which demonstrates that the credential requirements have been successfully met.

(b) “Before-School and After-School site” refers to a program, regardless of location, that provides child
care for children who are at least five years old and who are enrolled in and attend a kindergarten program or grades one and above during a school district’s calendar year. This is limited to programs that provide care only before and after the recognized hours of a district’s school day, and on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year.

(c) “Begin training for child care personnel” refers to a candidate’s commencement of at least one of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida child care facility. The child care facility is responsible for obtaining documentation from child care personnel.

(d) “Continuing Education Unit (CEU)” is a standard unit of measure of coursework used for training and credential purposes. The department will accept CEUs from education institutions accredited and recognized by the U.S. Department of Education, or nationally affiliated state professional organizations.

(e) “Director” means “operator” as defined in Section 402.302(11), F.S. and is the on-site administrator or individual who has the primary responsibility for the day-to-day operation, supervision, and administration of a child care facility.

(f) “Director Credential” is a department-approved comprehensive credential that consists of education, and experiential requirements as referenced in paragraph (8)(a) below.

(g) “Early Childhood Education” refers to coursework, certification, a credential or degree specific to children ages birth through eight years.

(h) “Florida Child Care Professional Credential (FCCPC),” pursuant to Section 402.305(3)(b), F.S., certifies successful completion of a department-approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight years, and at least two methods of formal assessment that offers two areas of certification. “Birth Through Five” (formerly the department-approved CDA Equivalency training programs)” and “School-Age” (formerly the Florida School-Age Certification). Credentials must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, which is incorporated by reference. A copy of CF-FSP 5270 may be obtained from the department’s website at www.myflorida.com/childcare. Active credentials are valid for five years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained from the department’s website at www.myflorida.com/childcare.

(j) “Florida Department of Education Child Care Apprenticeship Certificate (CCAC)” is a department-approved child care credential that consists of a minimum of 120 hours of early childhood instruction, and 480 contact hours with children ages birth through eight years, and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained from the department’s website at www.myflorida.com/childcare. Active credentials are valid for five years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.

(k) “Florida Department of Education Early Childhood Professional Certificate (ECPC)” is a department-approved child care credential that consists of a minimum of 120 hours of early childhood instruction, and 480 contact hours with children ages birth through eight years, and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained from the department’s website at www.myflorida.com/childcare. Active credentials are valid for five years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.
(l) “Florida Department of Education School-Age Professional Certificate (SAPC)” is a department-approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children, and that meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained from the department’s website at www.myflorida.com/childcare. Active credentials are valid for five years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.

(m) “Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department’s training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders or other similar positions.

(n) “High School Diploma, GED and/or College Degree” means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

(o) “Inactive” refers to the status of a candidate’s awarded credential or certification that is no longer active; however, remains eligible for renewal.

(p) “National Early Childhood Credential (NECC)” pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five states that incorporates 120 hours of early childhood instruction, and 480 contact hours with children ages birth through eight years, and that includes at least two methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained from the department’s website at www.myflorida.com/childcare.

(q) “Professional contribution,” for the purpose of Director Credential renewal, demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.

(r) “Training Transcript” is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training Transcripts may be obtained from the department’s website at www.myflorida.com/childcare.

(s) “Weighted score” means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(t) “Year of experience” is equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.

(2) Training Requirements.

(a) Child care personnel must successfully complete the department’s 40 hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the department or its designated representative with a weighted score of 70 or better. Child care personnel who successfully completed the mandatory 40 hour Introductory Child Care Training prior to January 1, 2004 are not required
to fulfill the competency examination requirement.

1. All child care personnel must begin training within 90 days of employment and successfully complete training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care facility.

2. The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training that consists of the department’s training courses, developed by the department, identified below:
   a. Child Care Facility Rules and Regulations;
   b. Health, Safety, and Nutrition;
   c. Identifying and Reporting Child Abuse and Neglect;
   d. Child Growth and Development; and
   e. Behavioral Observation and Screening.

3. Part II is comprised of 10 hours of training that consists of a selection from the department’s specialized training courses:
   a. Infant and Toddler Appropriate Practices (10 hours),
   b. Preschool Appropriate Practices (10 hours),
   c. School-Age Appropriate Practices (10 hours),
   d. Special Needs Appropriate Practices (10 hours),
   e. Basic Guidance and Discipline (5 hours online),
   f. Early Literacy for Children Age Birth to Three (5 hours online),
   g. Early Childhood Computer Learning Centers (5 hours online), or
   h. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

4. Child care personnel in compliance with the school-age requirements in paragraph 65C-22.008(4)(c), F.A.C., shall be considered in compliance with the child care personnel training requirements.

5. Child care personnel who left the child care industry in compliance with training requirements, upon returning, shall be granted 90 days to comply with any new mandated training requirements. Completion of such training may be counted toward the in-service training requirement.

6. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.

7. Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.

(b) Pursuant to Section 402.305(2)(d)5., F.S., all child care personnel must complete a single course of training in early literacy and language development of children ages birth through five years that is a minimum of five clock-hours or .5 CEUs.

1. All child care personnel must complete early literacy training within 12 months of date of employment in the child care industry. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma.

2. In order to meet the literacy training requirement, child care personnel must complete one of the following:
   a. One of the department’s online literacy courses available on the department’s website at www.myflorida.com/childcare; or
   b. One of the department’s approved literacy training courses. A list of these courses may be obtained from the department’s website at www.myflorida.com/childcare. (No additional courses will be approved by the department); or
   c. One college level early literacy course (for credit or non-credit) if taken within the last five years.

(3) Exemptions from the Introductory Child Care Training.
(a) Competency Examination Exemptions. Child care personnel have one opportunity, if they choose, to exempt from one or more of the department’s Introductory Child Care Training courses prior to attending training by achieving a weighted score of 70 or better on the corresponding competency examination(s). If the Part II training course is only available online, exemption examinations are not available.

(b) Educational Exemptions.
1. The department or its designated representative shall exempt from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses those child care personnel who meet one of the following educational qualifications:
   a. Associate’s degree or higher with six college credit hours in early childhood/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.
   b. An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).
2. The department or its designated representative shall exempt child care personnel with a Bachelor’s degree or higher in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.
3. The department or its designated representative shall exempt child care personnel with a Bachelor’s degree or higher in Elementary Education from the School-Age Appropriate Practices course.
4. The department or its designated representative shall exempt child care personnel with a Bachelor’s degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.
5. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses, or from the department’s online training courses.

(4) Documentation of Training. Effective October 1, 2010, the department’s Training Transcript will be the only acceptable verification of successful completion of the department’s training. Training completion documented on CF-FSP Form 5267, March 2009, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous version of the form. Form CF-FSP 5267 is provided to participants upon completion of a department approved training course. A copy of the department’s Training Transcript may be obtained from the department’s website at www.myflorida.com/childcare.

(a) A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript must be included in each staff member’s child care personnel record and maintained at each child care facility.
(b) A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript for the director of a child care facility must be included in the department’s official licensing file.
(c) Training documented on CF-FSP Form 5267 that is not included on an individual’s Training Transcript must be sent to the department or designated representative prior to October 1, 2010, to be documented on the individual’s Training Transcript.
(d) As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid, requiring that the course(s) be retaken. Until the coursework is retaken and completed, child care facilities will be out of compliance with the mandated training standard.

(5) Child Care Trainer Qualifications. Child care professionals approved to teach the department’s Child Care Training courses must meet, at a minimum, the following qualifications:
(a) Be at least 21 years of age.
(b) Have completed the department’s six-clock-hour Train-the-Trainer course.
(c) Have one of the following educational and experiential credentials verified by the department or its designated representative:
   1. Four year college degree or higher with six college credit hours in early childhood education/child growth and development and 480 hours experience in a child care setting serving children ages birth through
eight years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting.

2. Associate’s degree in Early Childhood Education or Child Development and 480 hours experience in a child care setting serving children ages birth through eight years.

3. Associate’s degree with six college credit hours in early childhood/child growth and development and 960 hours experience in a child care setting serving children ages birth through eight years.

4. Four year college degree with a Florida teaching certificate and be currently employed by a school district in the state of Florida to teach Early Childhood Education in the Education and Training Cluster under the Department of Education Career and Technical Education Program. Trainers who meet this education and experience qualification are limited to teaching only in the Florida Department of Education Early Childhood Professional Certificate (ECPC) and Child Care Apprenticeship Certificate (CCAC) programs.

5. A high school diploma or GED; a National Early Childhood Credential or a department-approved Birth Through Five FCCPC and three years of full-time experience in licensed family child care within the past five years. Trainers who meet this education and experience qualification are limited to teaching only the six hour Family Child Care Home Rules and Regulations course.

6. Four year college degree or higher with six college credit hours in school-age education, and 480 hours experience in a child care setting serving school-age children ages birth through twelve years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting. Trainers who meet this education and experience qualification are limited to teaching only the ten hour School-Age Appropriate Practices course.

(d) The department or its designated representative may require a trainer to attend a specific child care training course prior to being approved.

(6) Annual In-Service Training.

(a) All child care facility personnel must complete a minimum of 10-clock-hours or one CEU of in-service training annually during the state’s fiscal year beginning July 1 and ending June 30.

(b) The annual 10-clock-hours or one CEU of in-service training concentrating on children ages birth through 12, must be completed in one or more of the following areas (college level courses will be accepted):

1. Health and safety, including universal precautions;
2. Infant and/or child CPR;
3. First Aid (may only be taken to meet the in-service requirement once every three years);
4. Nutrition;
5. Child development – typical and atypical;
6. Child transportation and safety;
7. Behavior management;
8. Working with families;
9. Design and use of child oriented space;
10. Community, health and social service resources;
11. Child abuse;
12. Child care for multilingual children;
13. Working with children with disabilities in child care;
14. Safety in outdoor play;
15. Literacy;
16. Guidance and discipline;
17. Computer technology;
18. Leadership development/program management and staff supervision;
19. Age appropriate lesson planning;
20. Homework assistance for school-age care;
21. Developing special interest centers/spaces and environments; or
22. Other course areas relating to child care or child care management.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, March 2009, Child Care In-Service Training Record, which is incorporated by reference, and included in the child care facilities’ personnel records. CF-FSP Form 5268 may be obtained from the department website at www.myflorida.com/childcare. A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the child care facility for review by the licensing authority.

(d) Mandated 40-clock-hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.

(e) All child care personnel continuously employed or hired between July 1 and June 1 of the state’s fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.

(f) Child care personnel continuously employed or hired between July 1 and June 1 of the state’s fiscal year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year’s in-service training requirements.

(7) Staff Credentials.

(a) Staff Credential Requirement. Pursuant to Section 402.305(3), F.S. a licensed child care facility must have a minimum of one credentialed staff member for every 20 children.

1. A credentialed staff member is defined as a child care professional who has been issued a Staff Credential Verification documented on the individual’s Training Transcript. Florida law requires that VPK instructional personnel possess an appropriate credential. If the department identifies that a designated VPK teacher does not have an active credential, the department will notify the local Early Learning Coalition or its designated representative.

2. To apply for a staff credential verification, a candidate must complete CF-FSP Form 5211, March 2009, Florida Child Care Staff Credential Verification Application, which is incorporated by reference, and may be obtained from the department’s website at www.myflorida.com/childcare. The candidate must meet one of the following five qualifications as cited on CF-FSP Form 5211:
   a. An active National Early Childhood Credential (NECC).
   b. Formal Educational Qualifications.
   c. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC); Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC).
   d. An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement. A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).
   e. Employment History Recognition Exemption. An Employment History Recognition Exemption shall not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.

(b) Calculation of Number of Personnel Necessary. The required number of credentialed staff for a facility shall be calculated as follows:
1. Child care facilities with 19 or fewer children or that operate less than eight hours per week are not subject to the staff credential requirement.

2. For every 20 children, a child care facility must have one child care staff member who meets the staff credential requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have two credentialed staff members, and so on. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

3. Child care personnel meeting the staff credential requirement in paragraph (7)(a) above must work at the facility a minimum of 20 hours per week. A credentialed staff person must be on-site during all operational hours for those facilities that operate 20 hours or less per week.

4. Nap time and lunch times are excluded from this calculation.

5. Volunteers who work at the facility a minimum of 20 hours per week and meet the credential requirement may be included in calculating the credential ratio.

6. Children who are five years old, and who are enrolled in and attend a kindergarten program or grades one and above are excluded from the credential ratio.

7. An individual with an inactive credential is ineligible to be counted as a credentialed staff member pursuant to subparagraph (7)(a)1 above until the credential is renewed or the individual meets one of the qualifications listed in paragraph (7)(a) above.

(c) On-Site Documentation. A copy of the Training Transcript for each credentialed staff member must be maintained on-site at the child care facility, in the employee personnel file, for review by child care licensing staff. Child care facilities must maintain written documentation of credentialed personnel’s work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

(d) Staff Credential Renewal.

1. To maintain an active National Early Childhood Credential, it must be renewed through the agency that awarded the original credential. Once renewed, for licensing purposes, individuals must complete a CF-FSP Form 5211, Florida Child Care Staff Credential Verification Application to have the individual’s Training Transcript updated with renewed credential information.

2. A staff credential awarded for formal education qualifications is always active and does not need to be renewed.

3. To maintain an active Birth Through Five or School-Age Child Care Credential, every five years a candidate must complete the renewal Section of the CF-FSP Form 5211; if all criteria are met, the individual’s Training Transcript will be updated with renewed credential information. Renewal applications may be submitted by the candidate no earlier than one year prior to the end of the active period of the Birth Through Five or School-Age Child Care Credential. An individual with an inactive Birth Through Five or School-Age Child Care Credential may submit a renewal application, but while inactive the individual shall not be counted to meet the staff credential requirement. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five years from the date the renewal requirements are met.

4. A staff credential awarded for Employment History Recognition Exemption is always active and does not need to be renewed.

(e) Florida Child Care Professional Credential Training Program Providers.


a. Training providers seeking to offer the Birth Through Five FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5191, March 2009, Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program Provider Application, which is incorporated by reference. CF-FSP Form 5191 may be obtained from the department’s website at
Training providers must submit a completed CF-FSP Form 5191 to the department or designated representative for approval.

b. Training providers that offer the Birth Through Five FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the department for issuance of the Birth Through Five FCCPC, and to update the graduate’s child care Training Transcript.

c. Training providers approved to offer the Birth Through Five FCCPC training must annually complete, sign, date, and submit the attestation page of CF-FSP Form 5191 to the department for review and approval based on the provider’s anniversary date listed on CF-FSP Form 5191.

2. School-Age FCCPC Training Providers.

a. Training providers seeking to offer the School-Age FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5257, March 2009, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application, which is incorporated by reference. CF-FSP Form 5257 may be obtained from the department’s website at www.myflorida.com/childcare. Training providers must submit a completed CF-FSP Form 5257 to the department or designated representative for approval.

b. Training providers that offer the School-Age FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5257 to the department for issuance of the School-Age FCCPC and to update the graduate’s child care Training Transcript.

(8) Director Credential.

(a) Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., every child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application, which is incorporated by reference. CF-FSP Form 5290 may be obtained from the department’s website at www.myflorida.com/childcare. All applications and documentation will be verified, and if complete, the credential will be issued by the department or designated representative on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, incorporated by reference. Form CF-FSP 5252 is issued to participants upon meeting the requirements for issuance of a Director Credential.

1. An individual may not be the director of child care facilities that overlap in the hours of operation.
2. Each child care facility must have a credentialed director who is on-site a majority of hours, excluding weekends and evening hours that the facility is in operation. Documentation of majority of hours must be maintained and available for review by the licensing authority.
3. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.
4. Child care facility owners must notify the licensing authority within five working days of when the facility loses a credentialed director or when there is a change of director.
   a. The licensing authority will then issue a provisional license for a period not to exceed six months for any facility without a credentialed director.
   b. The provisional license will have an effective date of the first day the facility was without a credentialed director.
5. CF-FSP Form 5252, Florida Director Credential Certificate, must be maintained at the facility for review by the licensing authority.

(b) The following exceptions to the Director Credential apply:
1. A credentialed director is not required during evening hours as defined in Section 402.302(6), F.S.
2. Pursuant to Section 402.305(1)(c), F.S., a credentialed director may supervise multiple before-school
and after-school sites as outlined in paragraph (8)(c) below.

(c) Director Credential Requirement for before-school and after-school sites.

1. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:
   a. Three sites regardless of the number of children enrolled, or
   b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350.

In calculating the total number of children enrolled, the number of children in the before-school and after-school program shall be calculated and viewed as separate programs.

   c. In counties where the public school district has included four year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve four year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraphs (7)(a) above in order to accommodate the four year-old children.

2. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director’s absence must meet the following requirements:
   a. Be least 21 years of age;
   b. Have completed the approved 40 clock-hour Introductory Child Care Training approved by the department; and
   c. Have completed the department’s Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight hours of in-service training in serving children with disabilities; or
   d. Have completed the department’s School-Age Appropriate Practices specialized training module.

(d) Director Credential Renewal.

1. To maintain an active Director Credential at either level, candidates must complete the renewal section of the CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application, which may be obtained from the department’s website at www.myflorida.com/childcare.

2. A Director Credential renewal, as documented on CF-FSP Form 5252, Florida Director Credential Certificate is active for five years from the date of issuance. The completed renewal application, including all required documentation, may be submitted to the department for review, and issuance of a Director Credential Renewal Certificate no earlier than one year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

3. If a renewal application is received after the end of the active period for the Director Credential, the Director Credential Renewal Application will be reviewed, and, if approved, a certificate will be issued with a renewal date of five years from the date the completed renewal application was processed.

(e) Director Credential Training Providers.

1. The department is responsible for reviewing and approving “Overview of Child Care Management” courses offered through vocational-technical schools, community colleges, and universities to determine if the requirements for the Director Credential coursework are met. Applications for new coursework will no longer be accepted by the department. A list of approved “Overview of Child Care Management” courses may be obtained from the department’s website at www.myflorida.com/childcare.

2. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:
   a. Child Care and Education Organizational Leadership and Management;
   b. Child Care and Education Financial and Legal Issues; and
   c. Child Care and Education Programming.

Rulemaking Authority 402.305 FS. Law Implemented 402.305, 402.309 FS. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-17-03, 9-12-04, 6-30-05, 4-12-07, 5-1-08, 1-13-10.
65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization or until the signs and symptoms of the disease are no longer present. A child’s condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing a child to become red or blue in the face or to make a whooping sound;
2. Difficult or rapid breathing;
3. Stiff neck;
4. Diarrhea (more than one abnormally loose stool within a 24 hour period);
5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;
6. Pink Eye;
7. Exposed, open skin lesions;
8. Unusually dark urine and/or gray or white stool;
9. Yellowish skin or eyes; or
10. Any other unusual sign or symptom of illness.

(b) A child identified as having head lice shall not be permitted to return until the following day, and only provided that treatment has occurred and has been verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a custodial parent or legal guardian that treatment has occurred. The child care facility must also treat areas, equipment, toys, and furnishings with which the child has been in contact.

(c) Isolation Area. Each facility shall have a designated isolation area for a child who becomes ill at the facility. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot, and materials that can be cleaned and sanitized or disinfected easily. Linens shall be changed after each use, and used linens shall be kept in a closed container in the isolation area until cleaned. Disposable items shall be kept in a closed container in the isolation area until thrown away. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

(d) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control, and must follow the health department’s direction. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in subparagraphs (1)(a)1.-10. above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected in a child or employee.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) Each child care facility must have at least one staff member with current and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures. One staff member satisfying these training requirements shall be present at all times that children are in care at the facility, on field trips, and during all transportation activities.

(b) Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. CPR courses must include an on-site instructor-based skills assessment by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority.

Documentation that identifies staff members who have met the first aid and infant and child cardiopulmonary
resuscitation (CPR) training requirement shall be kept on file at the child care facility.

(c) At least one first aid kit must be maintained on the premises of the child care facility at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled “First Aid.” The kits shall be accessible to the child care staff at all times, and kept out of the reach of children. Each kit must, at a minimum, include:

1. Soap,
2. Band-aids or equivalent,
3. Disposable non-porous gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. Pre-moistened wipes,
10. Scissors, and

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit, and the facility’s address, and directions to the facility, including major intersections and local landmarks, must be posted on or near all facility telephones, and shall be used to protect the health, safety and well-being of any child in care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child, and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility owner will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

3. All accidents and incidents which occur at a facility or while a child is in the care of facility staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian. The documentation must be maintained for one year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

3) Medication. Child care facilities are not required to give medication; however, if a facility chooses to do so, the following shall apply:

(a) The facility must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and must contain the child’s name; the name of the medication to be dispensed; and the date, time and amount of dosage to be given. This record shall be initialed or signed by the facility personnel who gave the medication.

(b) Any known allergies to medication or special restrictions must also be documented, maintained in the child’s file, shared with staff, and posted with stored medication.

(c) Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child’s name, name of the medication, and medication directions. All prescription and non-
prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer’s label.

(d) In the event of an emergency, non-prescription medication that is not brought in by the custodial parent or legal guardian can be dispensed only if the facility has written authorization from the custodial parent or legal guardian to do so.

(e) Any medication dispensed under these conditions must be documented in the child’s file, and the custodial parent or legal guardian must be notified on the day of occurrence.

(f) The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four months after the last day the child received the dosage.

(g) All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child’s reach.

(h) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled at the facility.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA MyPyramid, April 2005, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack, and the serving size of the selected foods for children ages two and older. The categories “oils” and “discretionary calories” may not be considered food groups. Copies of the USDA MyPyramid may be obtained from the USDA website at www.mypyramid.gov. Using the USDA MyPyramid, breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups. Operators who participate in the USDA Food Program shall provide nutritious meals and snacks in accordance with the Department of Health and the USDA requirements.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(c) If a special diet is required for a child by a physician, a copy of the physician’s order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child’s file. If the custodial parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child’s file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu. Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

(3) Food Service.
(a) Children shall be individually fed or supervised at feeding, and offered foods appropriate for their ages.

(b) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles, and sippy cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(c) There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner at all times.

(d) All bottles and sippy cups prepared and used continuously throughout the day or brought from home shall be individually labeled with the child’s first and last name. Sippy cups and bottles brought from home shall be returned to the custodial parent or legal guardian daily.

(e) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(f) Facilities shall provide sufficient age appropriate seating so that children are seated at tables for meals.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 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, Repromulgated 5-1-08, 1-13-10.

65C-22.006 Record Keeping.

(1) General Requirements.

(a) Records required to document compliance with Section 402.305, F.S., and rules adopted thereunder, shall be maintained at the facility, and shall be available during the hours of operation for review by the licensing authority.

(b) A copy of all background screening clearance documents for the director and owner must be provided to the department and will become part of the department’s official licensing file.

(c) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(2) Children’s Health Requirements.

(a) The child care facility is responsible for obtaining for each child in care a current, complete and properly executed Student Health Examination form DH 3040 (June 2002), which is incorporated herein by reference and may be obtained from the local county health department, from the parent or legal guardian or a signed statement by authorized professionals that indicates the results of the components of the Student Health Examination form are included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination or the signed statement is valid for two years from the date the physical was performed. An up-to-date version must be on file for as long as the child is enrolled at the facility.

(c) The child care facility is responsible for obtaining for each child in care a current, complete and properly executed Florida Certification of Immunization form Part A-1, B, or C, DH 680 (April 2009), or the Religious Exemption from Immunization form, DH 681 (July 2008), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department. Immunizations received out-of-state are acceptable; however immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the “Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes” as promulgated by the Florida Department of Health.

(d) If the custodial parents or legal guardians fail to provide the documentation required in paragraph (a) or (c) above within 30 days of enrollment, the facility shall not allow the child to remain in the program.
(e) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

(f) If the custodial parents or legal guardians need assistance concerning these requirements, the facility shall refer them to the Department of Health or to the child’s physician.

(g) Medical records in this section are the property of the custodial parent or legal guardian and must be returned to them when the child withdraws from the facility. The medical records are transferable if the child attends another facility.

(3) Enrollment Information. The facility operator shall obtain enrollment information from the child’s custodial parent or legal guardian prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, March 2009, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or on the department’s website at www.myflorida.com/childcare.

(a) Enrollment information shall be kept current and on file.

(b) The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians.

(c) There shall be signed statements from the custodial parents or legal guardian that the child care facility has provided them with the following information:

1. The department child care facility brochure, CF/PI 175-24, October 2007, Know Your Child Care Facility, which is incorporated by reference. This brochure may be obtained from the department’s website at www.myflorida.com/childcare. Local licensing agencies may use an equivalent brochure approved by the department.

2. The child care facility’s written disciplinary policy.

3. Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the department developed a brochure, CF/PI 175-70, June 2009, Influenza Virus, Guide to Parents, which may be obtained from the department’s website at www.myflorida.com/childcare.

4. Prior to beginning volunteering in a child care facility, a CF-FSP 5217, March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department’s website www.myflorida.com/childcare, must be completed and on file at the child care facility for the volunteer.

(4) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

(b) Position and date of employment.

(c) CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference, must be signed annually by all child care personnel.

(d) Initial Screening. Screening information must be documented on CF-FSP Form 5131, March 2009 Background Screening and Personnel File Requirements, which is incorporated by reference. Screening includes the following:

1. Level 2 screening as defined in Section 435.04, F.S., which includes at a minimum Federal Bureau of Investigations (FBI), Florida Department of Law Enforcement (FDLE), and local law enforcement records checks. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.
2. An employment history check must include the previous two years, which shall include the applicant’s job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file, and include date, time, and the reason the information was not obtained.

3. CF Form 1649A, January 2007, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually or in accordance with the local licensing authority. A copy of the CF Form 1649A may be obtained from the department’s website at www.myflorida.com/childcare.

(e) Re-Screening. A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted.

1. The five year re-screen is required for all child care personnel.
2. The five year re-screen must include, at a minimum, statewide criminal records checks through the FDLE and a local criminal records check.

3. CF Form 1649A, Child Care Attestation of Good Moral Character must be completed for all child care personnel annually. A copy of the CF 1649A may be obtained from the department’s website at www.myflorida.com/childcare.

4. Re-screening. Re-screening information for all child care personnel must be documented on CF-FSP Form 5131 March 2009, Background Screening and Personnel File Requirements.
5. A copy of all background screening clearance documents for the director and owner must be included in the department’s official licensing file or in accordance with the appropriate local licensing agency requirements.
6. Break In Employment. Child care personnel must be re-screened as outlined in (4)(d) above following a break in employment in the child care industry that exceeds 90 days.
7. Leave of Absence. If child care personnel take a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five year re-screen has come due during the leave of absence.

(f) Copies of training information and credentials as described in subsections 65C-22.003(4), (6) and (7), F.A.C., as applicable.

(g) Driver’s license and driver physical examination documentation. A copy of the driver’s license and the physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver’s personnel file.

(5) Summary of Records. In addition to the documentation outlined in subsections (1)-(4) above, the following is a list of records that shall be maintained at the facility, and that shall be available during the hours of operation for review by the licensing authority:

(a) Driver’s log must be retained for a minimum of four months as referenced in subparagraph 65C-22.001(6)(f)1., F.A.C.
(b) Documentation of parental permission for field trips must be retained for a minimum of four months as referenced in paragraph 65C-22.001(7)(c), F.A.C.
(c) Facility’s written disciplinary policies as referenced in paragraph 65C-22.001(8)(c), F.A.C.
(d) Daily attendance of children records must be maintained for a minimum of four months as referenced in subsection 65C-22.001(10), F.A.C.
(e) Written record of fire drills must be maintained for a minimum of one year as referenced in paragraph 65C-22.002(7)(f), F.A.C.
(f) Documentation of staff members that have met the first aid and infant and child cardiopulmonary
resuscitation (CPR) training requirement as referenced in paragraph 65C-22.004(2)(b), F.A.C.

(g) Posted emergency telephone numbers, the facility address, and directions to the facility as referenced in subparagraph 65C-22.004(2)(d)1., F.A.C.

(h) Documentation of accidents/incidents must be maintained for one year as referenced in subparagraph 65C-22.004(2)(d)3., F.A.C.

(i) Emergency evacuation plan and emergency preparedness plan as referenced in subparagraphs 65C-22.002(7)(h)-(k), F.A.C. Written records of emergency preparedness plan drills must be maintained for one year from each drill.

(j) Record for each child receiving medication must be maintained for a minimum of four months after the last day the child received the dosage as referenced in paragraph 65C-22.004(3)(f), F.A.C.

(k) Sample meal plan for special diet (if applicable). A copy of the physician’s order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(c), F.A.C.

(l) Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(c), F.A.C.

(m) Daily meal and snack menus, including meal substitutions must be maintained for four months as referenced in paragraph 65C-22.005(1)(d), F.A.C.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.

65C-22.007 Evening Child Care.

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. During evening child care hours, staff must remain awake at all times. While children are awake, direct supervision as described in paragraph 65C-22.001(5)(a), F.A.C., must be provided. When children are sleeping, supervision, as defined in paragraph 65C-22.001(5)(b), F.A.C., is required.

(3) Exemptions. Child care standards, as outlined in Sections 402.301 through 402.305, F.S., and Rules 65C-22.001 through 65C-22.006, F.A.C., apply to Evening Child Care with the following exceptions:

(a) Outdoor Play Area. For facilities that provide only evening child care, outdoor play space is not required. An open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

(b) Credentialed staff, pursuant to Section 402.305(3), F.S., are not required for Evening Child Care.

(c) Director credentialed staff are not required for Evening Child Care.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History–New 7-2-98, Amended 9-12-04, 4-12-07, Repromuglated 5-1-08, 1-13-10.

65C-22.008 School Age Child Care.

(1) Definitions.

(a) “School-Age Child” means a child who is at least five years of age by September 1st of the beginning of the school year and who attends kindergarten through grade five.

(b) “School-Age Child Care Program” means any licensed child care facility serving school-aged children as defined in paragraph (1)(a), above or any before and after school programs that are licensed as a child care facility defined in Section 402.302, F.S., and serve only school-aged children as defined in paragraph (1)(a), above.

(2) Licensure Requirements.

(a) An after school program exempted under paragraph (2)(c)1. or 3., below may become licensed if they
choose to meet all of the applicable licensing standards in paragraph (3) below.

(b) After school programs that choose to expand their program beyond the parameters in paragraphs (2)(c)1. through 4., below must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school-age child as defined in paragraph (1)(a), above, must be licensed.

(c) An “After School Program” serving school-age children is not required to be licensed if the program meets one of the following criteria, and complies with the minimum background screening requirements provided in ss. 402.305 and 402.3055, Florida Statutes:

1. Program is located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school, and a provider to serve school-age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional and tutorial/academic activities of that program and cannot serve or prepare meals. The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to, computer class; ballet; karate; gymnastics; baseball, and other sports; or

3. Program meets all of the following criteria:
   a. Operates for a period not to exceed a total of four hours in any one day; however, the program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and
   b. Allows children to enter and leave the program at any time, without adult supervision; and
   c. Does not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and
   d. Does not serve or prepare any meals or snacks. The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration, or

4. Provides after school care exclusively for children in grades six and above.

(d) Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5017, March 2009, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department’s website at www.myflorida.com/childcare.

1. Each completed CF-FSP Form 5017 must be submitted with the licensure fee.

2. The completed CF-FSP Form 5017 must be signed by the individual owner or prospective owner, or the designated representative of a partnership, association, or corporation, and must include submission of background screening documents for the owner/operator, and approved fire and environmental health inspections.

3. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

4. A completed CF-FSP Form 5017 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5017 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-22.010(2)(d), F.A.C.
(e) License. A school-age child care license is issued in the name of the owner. The owner may be an individual, partnership, association, or corporation, and the license must be posted in a conspicuous location where the school-age child care program is operating.

(3) School-Age Child Care Standards. The following school-age child care standards apply to “School-Age Child Care Programs” as defined in paragraph (1)(b), above. These programs must meet the following licensing standards:

(a) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the school-age child care program and on the premises at all times.

(b) Ratios. For children five years of age and older, there must be one child care personnel for every 25 children.

(c) Supervision. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

1. No person shall be an operator, owner, or employee in a school-age child care program while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.

2. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one additional adult must be present on all field trips away from the school-age child care program to assist in providing direct supervision.

3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

4. If a school-age child care program uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the school-age child care program must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty, and present when any children are in the swimming area. In situations where the school-age child care program provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (c)2., above.

(d) Access. A school-age child care program must provide the custodial parent or legal guardian access, in person and by telephone, to the program during the program’s normal hours of operation or during the time the child is in care.

(e) General Requirements.

1. All school-age child care programs facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children. It is the responsibility of the director/owner that all areas of the facility are free from fire hazards, such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

2. All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials.

3. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives, sharp tools, and other potential dangerous hazards, shall either be stored in a locked area or must be inaccessible and out of a child’s reach.

4. No firearms or weapons, as defined in Section 790.001, F.S., shall be allowed within any building or upon any person located on the premises, excluding federal, state, or local Law Enforcement Officers.

5. No narcotics, alcohol, or other impairing drugs shall be present on the premises.
6. Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority.

7. Pursuant to Chapter 386, F.S., smoking is prohibited within the school-age child care facility, all outdoor-areas, during field trips, and in vehicles when being used to transport children. Owner/operators are to notify custodial parents and legal guardians, in writing that smoking is prohibited on the premises of the child care facility.

8. Design and construction of a new child care facility or modifications to an existing facility must meet the minimum requirements of the applicable local governing body.

(f) Rooms Occupied by Children.
1. An inside temperature of 65 to 82 degrees Fahrenheit must be maintained at all times.
2. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.
3. Pest control shall not take place while rooms are occupied by children.

(g) Napping and Sleeping Space. For the purposes of this standard, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably as described in paragraph (3)(i), below.

(h) Toilet and Bath Facilities.
1. Each school-age child care program shall provide and maintain toilet and bath facilities that are easily accessible, and at a height usable by the children. Platforms are acceptable when safely constructed, with impervious surfaces that can be easily cleaned and sanitized or disinfected.
2. For facilities having from one to fifteen children, there shall be at least one toilet and one wash basin. There shall be one additional toilet and basin for every 30 children thereafter. For design and construction of a new child care facility or modification to an existing facility, subparagraph (3)(e)8., above shall apply.
3. Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.
4. Running water, soap, trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained shall be available and within reach of children using the toileting facility.
5. Each basin and toilet must be maintained in good operating condition, cleaned and sanitized or disinfected as needed, at least once per day.

(i) Indoor Floor Space.
1. A school-age child care program that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A school-age child care program that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a school-age child care program, must have a minimum of 35 square feet of usable indoor floor space for each child.
2. Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls, and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
3. In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.
   a. The capacity, as calculated by the licensing authority for each room, must be posted in a conspicuous location within the room.
   b. When common or multi-purpose areas are used for dining or occasional large group assembly activities and special events, the applicable 20 or 35 square feet requirement of usable space for each child does not apply for that period of time only; however, the facility must maintain minimum square footage per child in accordance with the requirements of the local fire authority.
4. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.
5. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to usable indoor floor space as specified in paragraph (3)(i), above. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather.
   (j) Outdoor Play Area.
   1. There shall be a minimum of 45 square feet of usable, safe, and sanitary outdoor play area per each school-age child. A minimum outside play area shall be provided for one-half of the licensed capacity.
   2. Based on the outdoor square footage, the total number of children using the play area may not exceed the outdoor capacity.
   3. The outdoor play area shall be clean, and free from litter, nails, glass, and other hazards.
   4. The outdoor play area shall provide shade.
   5. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision can be provided.
   6. The facility’s outdoor play area shall be fenced in accordance with local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.
   7. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four feet in height. Fencing, including gates, must be continuous, and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, and be free from erosion or build-up to prevent inside or outside access by children or animals.
   8. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to outdoor floor space as specified above. The written request must include an explanation of why the exception is necessary as well as an alternate plan for inclusion of fine and gross motor skills opportunities. If not requesting an exemption to the outdoor play area, the school-age child care program may operate without a fence if all the following provisions are met:
      a. The children using the outdoor play area are in five year old kindergarten and grades one or above;
      b. In addition to the established staff-to-child ratios, for the purpose of safety, an additional staff member is present at all times during outdoor activities, to assist in providing direct supervision;
      c. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour, and the playground is a minimum of 30 feet from the edge of the road; and
      d. The licensing authority has provided written authorization to the program to operate without a fence.
   (k) Health and Sanitation.
   1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.
2. Employees, volunteers, and children shall wash their hands with soap and running water, dry thoroughly, and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards.

(i) Equipment and Furnishings.
1. Indoor Equipment.
   a. A school-age child care program shall make available toys, equipment, and furnishings suitable to each child’s age and development and of a quantity suitable for each child to be involved in activities.
   b. Toys, equipment, and furnishings must be safe and maintained in a sanitary condition, and shall be cleaned and sanitized or disinfected immediately if exposed to bodily fluids, such as saliva.

2. Outdoor Equipment.
   a. A school-age child care program shall provide and maintain equipment and play activities suitable to each child’s age and development.
   b. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include inspections, at least every other month, of all supports above and below the ground, and all connectors and moving parts. Documentation of maintenance inspections shall be maintained for one year.
   c. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience, and is maintained to reduce the incidence of injuries to children in the event of falls.
   d. All equipment, fences, and objects on the program’s premises shall be free from sharp, broken and jagged edges, and shall be properly placed to prevent overcrowding or safety hazards in any one area.
   e. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage, and shall be maintained in a safe and sanitary condition.

(m) Health Related Requirements.
1. Communicable Disease Control.
   a. Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the school-age child care program suspected of having a communicable disease shall be removed from the program or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. A child’s condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:
      (I) Severe coughing, causing a child to become red or blue in the face or to make a whooping sound;
      (II) Difficult or rapid breathing;
      (III) Stiff neck;
      (IV) Diarrhea (more than one abnormally loose stool within a 24 hour period);
      (V) Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;
      (VI) Pink Eye;
      (VII) Exposed, open skin lesions;
      (VIII) Unusually dark urine and/or gray or white stool;
      (IX) Yellowish skin or eyes; or
      (X) Any other unusual sign or symptom of illness.
   b. A child identified as having head lice shall not be permitted to return until the following day, only if
treatment has occurred and has been verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred. The child care facility must treat areas, equipment, toys, and furnishings with which the child has been in contact.

c. Isolation Area. Each school-age child care program shall have a designated isolation area for a child who becomes ill while in care of the program. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot, and materials that can be cleaned and sanitized or disinfected easily. Linens shall be changed after each use and used linens shall be kept in a closed container in the isolation area until cleaned. Disposable items shall be kept in a closed container in the isolation area until thrown away. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

d. Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control and must follow the health department’s direction. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in sub-subparagraph (3)(m)1.a., above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

2. First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

a. Each school-age child care program must have at least one staff member with current and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures. One staff member satisfying these training requirements shall be present at all times that children are in care at the program, both on-site and on field trips. A field trip includes all activities away from the program excluding regular transportation to and from the program, i.e., pick-up and drop-off.

b. Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. CPR courses must include on-site instructor-based skill assessments by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority. Documentation that identifies staff members have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the school-age child care program facility.

c. At least one first aid kit must be maintained on the premises of the school-age child care program at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled “First Aid.” The kits shall be accessible to the child care staff at all times, and kept out of the reach of children. Each kit must at a minimum include:

(I) Soap,
(II) Band-aids or equivalent,
(III) Disposable non-porous gloves,
(IV) Cotton balls or applicators,
(V) Sterile gauze pads and rolls,
(VI) Adhesive tape,
(VII) Thermometer,
(VIII) Tweezers,
(IX) Pre-moistened wipes,
(X) Scissors, and
(XI) A current resource guide on first aid and CPR procedures.


a. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit, and the address and directions to the facility, including major
intersections and local landmarks, must be posted on or near all school-age child care program telephones and shall be used to protect the health, safety and well-being of any child in day care.

b. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child, and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the school-age child care program owner will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

c. All accidents and incidents which occur at a school-age child care program or while a child is in the care of program staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of program staff and custodial parent or legal guardian. The documentation must be maintained for one year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

4. Medication. School-age child care programs are not required to give medication; however, if a program chooses to do so, the following shall apply:

a. The school-age child care program must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child’s name; the name of the medication to be dispensed; and date, time, and amount of dosage to be given. This record shall be initialed or signed by the program personnel who gave the medication.

b. Any known allergies to medication or special restrictions must also be documented, maintained in the child’s file, shared with staff and posted with stored medication.

c. Prescription and non-prescription medication brought to the school-age child care program by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child’s name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer’s label.

d. In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written authorization from the parent or legal guardian to do so.

e. Any medication dispensed under these conditions must be documented in the child’s file, and the custodial parent or legal guardian must be notified on the day of occurrence.

f. The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four months after the last day the child received the dosage.

g. All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child’s reach.

h. Medication that has expired or that is no longer being dispensed shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled at the school-age child care program.

(n) Child Discipline.

1. Verification that the school-age child care program has provided, in writing, the disciplinary policy used by the program shall be documented on the enrollment form with the signature of the custodial parent or legal
2. All child care personnel must comply with the school-age child care program's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

3. A copy of the school-age child care program’s current written disciplinary policies must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(o) Attendance. Daily attendance of children shall be taken and recorded by the school-age child care program personnel, documenting the time when each child enters and departs a child care facility or program. The custodial parent or guardian may document the time when their child(ren) enter and depart the child care facility or program. However, child care facility personnel are responsible for ensuring that attendance records are complete and accurate. Such records shall be maintained for a minimum of four months. Attendance forms used for School Readiness may be used if applicable.

(p) Nutrition.

1. If a school-age child care program chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Pyramid, April 2005, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two and older. Using the USDA My Pyramid, breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups. The categories “oils” and “discretionary calories” may not be considered food groups. Copies of the USDA My Pyramid may be obtained from the USDA website at www.mypyramid.gov.

2. If a school-age child care program chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

3. If a special diet is required for a child by a physician, a copy of the physician’s order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child’s file. If the parent or legal guardian notifies the school-age child care program of any known food allergies, written documentation must be maintained in the child’s file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

4. Meal and snack menus shall be planned, written, and posted at the beginning of each week. Any menu substitution shall be noted on the menu. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and USDA requirements.

(q) Food Preparation Area.

1. All licensed school-age child care programs approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

2. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards, specified in Chapter 64E-11, F.A.C., Food Hygiene, as it pertains to the food preparation area defined above.

(r) Food Service.

1. School-age child care programs shall provide sufficient age appropriate seating so that children are seated at tables for meals.

2. Children shall be supervised during all meals and snacks and offered foods appropriate for their ages.

3. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils and cups
provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(s) Fire and Emergency Safety.

1. Unless statutorily exempted, all school-age child care programs shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fires Safety Standards for Nonresidential Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority. If the school-age program is granted a fire inspection exemption by the local fire inspection office, the exemption must be documented and maintained on file at the program.

2. There shall be at least one corded telephone in the school-age child care program facility that is neither locked nor located at a pay station that is available to all staff during the hours of operation.

3. The child care facility must properly maintain fire extinguishers at all times.

4. The operator shall prepare and post the emergency evacuation plan in each room of the program, including a diagram of safe routes by which the personnel and children may exit in the event of fire or other emergency requiring evacuation.

5. During the facility’s licensure year, fire drills shall be conducted a minimum of 10 times and be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:
   a. One fire drill using an alternate evacuation route, and
   b. One drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

6. The operator shall maintain a written record of fire drills showing the date, number of children and staff in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Each record shall be maintained for a minimum of one year from the date of the fire drill.

7. When the school-age program’s fire alarm is activated, all adults and children must evacuate the facility.

8. The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the child care facility during a fire, lockdown, and inclement weather (tornadoes).

9. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

10. The operator shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.

11. Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

12. After a fire or natural disaster, the operator must notify the licensing authority within 24 hours as to their operational status in order for the licensing authority to ensure health standards are being met for continued operation.

(t) Transportation. For the purpose of this section, vehicles refer to those owned, operated, or regularly used by the school-age child care program, and vehicles that provide transportation through a contract or agreement with an outside entity. Parents’ personal vehicles used for transporting during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2.,(b) & (c), F.A.C.

1. When any vehicle is regularly used by a school-age child care program to provide transportation, the driver shall have the following:
a. A valid Florida driver’s license,
b. An annual physical examination which grants medical approval to drive, and valid certificate(s) of
course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.
2. All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S.
3. All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure that
they are in proper working order. Documentation by the mechanic shall be maintained in the vehicle.
4. The maximum number of individuals transported in a vehicle may not exceed the manufacturer’s
designated seating capacity or the number of factory installed seat belts.
5. Each child, when transported, must be in an individual factory installed seat belt or federally approved
child safety restraint unless the vehicle is excluded from this requirement by Florida Statute.
6. When transporting children, staff-to-child ratios must be maintained at all times. The driver may be
included in the staff-to-child ratio.
7. Driver’s Log. A log shall be maintained for all children being transported in the vehicle. The log shall
be retained for a minimum of four months. The log shall include each child’s name, date, time of departure,
time of arrival, signature of driver, and signature of second staff member to verify the driver’s log and that all
children have left the vehicle.
8. Prior to transporting children, the driver’s log must be recorded, signed, and dated immediately,
verifying that all children were accounted for and that the log is complete.
9. Upon arrival at the destination, the driver of the vehicle shall:
a. Mark each child off the log as the children depart the vehicle;
b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the
vehicle; and
c. Record, sign, and date the driver’s log immediately, verifying that all children were accounted for, and
that the visual sweep was conducted.
10. Upon arrival at the destination, a second staff member shall:
a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the
vehicle; and
b. Sign, date, and record the driver’s log immediately, verifying that all children were accounted for, and
that the log is complete.
11. Each vehicle shall be equipped with contact information for all children being transported. When
transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency
care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize
and respond appropriately to the emergency.
12. Planned Activities.
a. Each group or class must have a written and followed plan of scheduled activities posted in a
conspicuous location accessible to parents. The written plan must meet the needs of the children being served
and include scheduled activities that:
   (I) Include both indoors and outdoor play, if applicable; and
   (II) Include meals, snacks, and the times the children are in care.
b. Parents must be advised in advance of each field trip activity. The date, time, and location of the field
trip must be posted in a conspicuous location at least two working days prior to each field trip. Written
parental permission must be obtained in the form of a general permission slip. If special circumstances arise
where notification of an event cannot be posted for two working days, individual permission slips must be
obtained from the custodial parent or legal guardian for each child participating on the field trip.
Documentation of parental permission for field trips shall be maintained for a minimum of four months from
the date of each field trip.
(u) Record Keeping.

1. General Requirements.
   a. Each of the records described in this section shall be maintained at the school-age child care program and shall be available during the hours of operation for review by the licensing authority.
   b. A copy of all background screening clearance documents for the director and owner must be provided to the department to be included in the department’s official licensing file.
   c. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

2. Health Records. School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school-age child care program as such records are on file at the school where the child is enrolled.

3. Enrollment Information. The facility operator shall obtain enrollment information from the child’s custodial parent or legal guardian prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Child Care Application for Enrollment, which is incorporated by reference in subsection 65C-22.006(3), F.A.C. or an equivalent form that contains all the information required by the department on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the department’s website at www.myflorida.com/childcare.
   a. Enrollment information shall be kept current and on file.
   b. The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians.
   c. There shall be signed statements from the custodial parents or legal guardian that the school-age child care program has provided them with the following information:
      (I) The department’s child care facility brochure, CF/PI 175-24, Know Your Child Care Facility, which is incorporated by reference in subparagraph 65C-22.006(3)(a)1, F.A.C. This brochure may be obtained from the licensing authority or by going to the department’s website at www.myflorida.com/childcare. Local licensing agencies may use an equivalent brochure approved by the department.
      (II) The school-age child care program’s written disciplinary practices.
      (III) Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the department developed a brochure, CF/PI 175-70 , June 2009, Influenza Virus, Guide to Parents, which may be obtained from the department’s website at www.myflorida.com/childcare.

4. Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:
   a. An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.
   b. Position and date of employment.
   c. CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(c), F.A.C., must be signed annually by all child care personnel.
   d. Prior to beginning volunteering in a school-age program, a CF-FSP 5217, March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department’s website www.myflorida.com/childcare, must completed and on file at the facility for the volunteer.
   e. Initial Screening. Screening information must be documented on CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(d), F.A.C. Screening includes the following:
      (I) Level 2 screening as defined in Section 435.04., which includes at a minimum, FBI, FDLE, and local law enforcement records checks.
(II) An employment history check must include the previous two years, which shall include the applicant’s job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file and include date, time, and the reason the information was not obtained.

(III) CF Form 1649A, January 2007, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. CF Form 1649A may be obtained from the department’s website at www.myflorida.com/childcare.

f. Re-Screening. A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted.

(I) The five year re-screen is required for the all child care personnel.

(II) The five year re-screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement (FDLE) and a local criminal records check.

(III) CF 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. A copy of the CF 1649A may be obtained from the department’s website at www.myflorida.com/childcare.

(IV) A copy of all background screening clearance documents for the director and owner must be included in the department’s official licensing file or in accordance with the appropriate local licensing agency requirements.

g. Break In employment. Child care personnel must be re-screened following a break in employment in the child care industry as outlined 3.(u)4.e. above that exceeds 90 days.

h. Leave of Absence. If child care personnel take a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five year re-screen has come due during the leave of absence.

i. Copies of training information and credentials as described in paragraph (4), below.

j. Driver’s license and driver physical examination documentation. A copy of the driver's license and the physician certification or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver’s personnel file.

5. Summary of Records. In addition to the documentation outlined in subparagraphs (3)(u)1., 2. and 3., above, the following is a list of records that shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority.

a. Driver’s log. Must be retained for the previous four months as referenced in subparagraph (3)(t)7., above.

b. Facility’s written disciplinary policies as referenced in subparagraph (3)(n)3., above.

c. Written record of fire drills. Must be maintained for a minimum of one year as referenced in subparagraph (3)(s)., above.

d. Documentation of staff members who have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement as referenced in sub-subparagraph (3)(m)2.b., above.

e. Posted emergency telephone numbers, the facility address and directions to the facility as referenced in sub-subparagraph (3)(m)3.a., above.

f. Documentation of accidents/incidents. Must be maintained for one year as referenced in sub-subparagraph (3)(m)3.c., above.

g. Emergency evacuation plan and preparedness plan as referenced in sub-subparagraph (3)(s)9, above. Documentation must be maintained for one year from the date of each drill.

h. Record for each child receiving medication. Must be maintained for a minimum of four months after the last day the child received the dosage as referenced in sub-subparagraph (3)(m)4.f., above.
i. Sample meal plan for special diet (if applicable). A copy of the physician’s order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in subparagraph (3)(p) 3., above.

j. Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in subparagraph (3)(p) 3., above.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for four months as referenced in subparagraph (3)(p) 4., above.

(4) School-Age Child Care Personnel Training Requirements.

(a) Definitions.

1. “Active” is the status of a candidate’s awarded credential or certification signifying requirements have been successfully met.

2. “Before-School and After-School site” refers to a program, regardless of location, that provides child care for children who are at least five years old, are enrolled in and attend a kindergarten program, or grades one and above during a school district’s calendar year. This is limited to programs that provide care only before and after the recognized hours of a district’s school day and on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year.

3. “Begin training for child care personnel” refers to a candidate’s commencement of at least one of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida school-age child care program. The child care facility is responsible for obtaining documentation from child care personnel.

4. “Continuing Education Unit (CEU)” is a standard unit of measure of coursework used for training and credential purposes. The department will accept CEUs from education institutions accredited and recognized by the U.S. Department of Education, or nationally affiliated state professional organizations.

5. “Director” means “operator” as defined in Section 402.302(11), F.S., is the on-site administrator or individual who has the primary responsibility for the day-to-day operation, supervision, and administration of a child care facility.

6. “Director Credential” is a department-approved comprehensive credential that consists of educational and experiential requirements as referenced in paragraph (4)(i), below.

7. “Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department’s training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders or other similar positions.

8. “High School Diploma, GED and/or College Degree” means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be
evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

9. “Inactive” refers to the status of a candidate’s awarded credential or certification that is no longer active; however, remains eligible for renewal.

10. “Professional contribution,” for the purpose of Director Credential renewal, demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.

11. “Training Transcript” is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training Transcripts may be obtained from the department’s website at www.myflorida.com/childcare.

12. “Weighted score” means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

13. “Year of experience” is equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.

(b) Child care personnel must begin training within 90 days of employment and successfully complete the department’s training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care facility.

(c) Child care personnel must successfully complete 40 hours of child care training by completing the following department’s training as evidenced by successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better. School-age child care personnel must complete:

1. Child Care Facility Rules and Regulation;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse and Neglect; and
4. School Age-Appropriate Practices.

5. The remaining hours must be met by completing any a combination of training identified in paragraphs a. and b. below.

a. Successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better for any of the following courses:
   (I) Child Growth and Development (6 or 10 hours),
   (II) Behavioral Observation and Screening (6 or 10 hours),
   (III) Infant andToddler Appropriate Practices (10 hours),
   (IV) Preschool Appropriate Practices (10 hours),
   (V) Special Needs Appropriate Practices (10 hours),
   (VI) Basic Guidance and Discipline (5 hours online),
   (VII) Early Literacy for Children Ages Birth Through Three (5 hours online),
   (VIII) Early Childhood Computer Learning Centers (5 hours online),
   (IX) Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or

b. Completion of specialized school-age training, provided by the department, a national organization or affiliates of a national organization, that requires demonstration of competencies through passage of examination(s), or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

6. School-age child care personnel in compliance with paragraph 65C-22.003(2)(a), F.A.C., shall be considered in compliance with the school-age child care personnel training requirements.

7. Child care personnel who left the child care industry in compliance with training requirements, upon returning, shall be granted 90 days to comply with any new mandated training requirements. Completion of such training may be counted toward the annual in-service training requirement.
8. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.

9. Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.

(d) Documentation of Training. Effective October 1, 2010, the department’s Training Transcript will be the only acceptable verification of successful completion of the department’s training. Training completion documented on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous versions. Form CF-FSP 5267 is provided to participants upon completion of a department approved training course. A copy of the department’s Training Transcript may be obtained from the department’s website at www.myflorida.com/childcare.

1. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript must be maintained at the school-age child care program.

2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript for the director of a school-age child care program must be maintained in the department’s licensing file.

3. Training documented on CF-FSP Form 5267 that is not included on the Training Transcript must be sent to the department or designated representative prior to October 1, 2010, to be documented on the individual’s Training Transcript.

4. As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid, requiring that the course(s) retaken. Until the coursework is retaken and completed, child care facilities will be out of compliance with the mandated training standard.

(e) School-age child care personnel are exempt from the training requirement of five clock-hour early literacy and language development of children from birth to five years of age, under paragraph 65C-22.003(2)(b), F.A.C.

(f) School-age child care programs are exempt from the staff credential requirement as outlined in subsection 65C-22.003(7), F.A.C.

(g) Exemptions from the Introductory Child Care Training.

1. Competency Examination Exemptions. Child care personnel have one opportunity, if they choose, to exempt from one or more of the department’s Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. Exemption examinations are not available for the department’s online Part II specialized training courses.

2. Educational Exemptions.

a. The department or its designated representative shall exempt child care personnel from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one of the following educational qualifications:

I) Associate’s degree or higher with six college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

II) An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).

b. The department or its designated representative shall exempt child care personnel with a Bachelor’s degree or higher in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

c. The department or its designated representative shall exempt child care personnel with a Bachelor’s degree or higher in Elementary Education from the School-Age Appropriate Practices course.

d. The department or its designated representative shall exempt child care personnel with a Bachelor’s
degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.

e. There are no educational exemptions from the Child Care Facility Rules and Regulations and the
Identifying and Reporting Child Abuse and Neglect courses or from the department’s online training courses.

(h) Annual In-Service Training.

1. All child care facility personnel must complete a minimum of 10-clock-hours or one CEU of in-service
training annually during the state’s fiscal year beginning July 1 and ending June 30.

2. The annual 10-clock-hours or one CEU of in-service training concentrating on children ages birth
through 12 must be completed in one or more of the following areas (college level courses will be accepted):
   a. Health and safety, including universal precautions;
   b. Child CPR;
   c. First Aid (may only be taken to meet the in-service requirement once every three years);
   d. Nutrition;
   e. Child development – typical and atypical;
   f. Child transportation and safety;
   g. Behavior management;
   h. Working with families;
   i. Design and use of child oriented space;
   j. Community, health and social service resources;
   k. Child abuse;
   l. Child care for multilingual children;
   m. Working with children with disabilities in child care;
   n. Safety in outdoor play;
   o. Literacy;
   p. Guidance and discipline;
   q. Computer technology;
   r. Leadership development/program management and staff supervision;
   s. Age appropriate lesson planning;
   t. Homework assistance for school-age care;
   u. Developing special interest centers/spaces and environments; or
   v. Other course areas relating to child care or child care management.

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child
Care In-Service Training Record, which is incorporated by reference in paragraph 65C-22.003(6)(c), F.A.C.,
and included in the child care facilities’ personnel records. CF-FSP Form 5268 may be obtained from the
department’s website at www.myflorida.com/childcare. A new in-service training record is required each
fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the
school-age child care program for review by the licensing authority.

4. Mandated 40-clock-hour introductory child care training, Parts I and II, may be used to meet the annual
in-service training requirement during the first fiscal year of employment.

5. All child care personnel continuously employed or hired between July 1 and June 1 of the state’s fiscal
year must complete the annual in-service training requirement. This includes any changes in employment from
one program to another.

6. Child care personnel continuously employed or hired between July 1 and June 1 of the state’s fiscal
year who do not complete the required annual in-service training during any given year must complete the
remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority.
These hours cannot be used to meet the current year’s in-service training requirements.

(i) Director Credential.
1. Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., a child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application, which is incorporated by reference in paragraph 65C-22.003(8)(a), F.A.C. CF-FSP Form 5290 may be obtained from the department’s website at www.myflorida.com/childcare. All applications and documentation will be verified, and if complete, the credential will be issued by the department or designated representative on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, which is incorporated by reference in paragraph 65C-22.003(8)(a), F.A.C.

   a. An individual may not be the director of child care facilities that overlap in the hours of operation.
   b. Each school-age child care program must have a credentialed director that is on-site a majority of hours that the facility is in operation.
   c. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.
   d. School-age child care program owners must notify the licensing authority within five working days of when the facility loses a credentialed director or when there is a change of director.
      (I) The licensing authority will then issue a provisional license for a period not to exceed six months for any facility without a credentialed director.
      (II) The provisional license will have an effective date of the first day the facility was without a credentialed director.
   e. CF-FSP Form 5252, Florida Director Credential Certificate, must be maintained at the school-age child care program for review by the licensing authority.

2. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:
   a. Three sites regardless of the number of children enrolled, or
   b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.
   c. In counties where the public school district has included four year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts that serve four year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(7)(a), F.A.C., in order to accommodate the four year-old children.
   d. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director’s absence must meet the following requirements:
      (I) Be at least 21 years of age;
      (II) Have completed the approved 40 clock-hour Introductory Child Care Training approved by the department; and
      (III) Have completed the department’s Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight hours of in-service training in serving children with disabilities; or
      (IV) Have completed the department’s School-Age Appropriate Practices specialized training module.

3. Director Credential Renewal.
   a. To maintain an active Director Credential at either level, complete the renewal section of the CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application which may be obtained from the department’s website at www.myflorida.com/childcare.
b. A Director Credential renewal, as documented on CF-FSP Form 5252, Florida Director Credential Certificate is active for five years from the date of issuance. The completed renewal application, including all required documentation, may be submitted to the department for review, and issuance of a Director Credential Renewal Certificate no earlier than one year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

c. If a renewal application is received after the end of the active period for the Director Credential, the Director Credential Renewal Application will be reviewed and, if approved, a certificate will be issued with a renewal date of five years from the date the completed renewal application was processed.

4. Director Credential Training Providers.

a. The department is responsible for reviewing and approving “Overview of Child Care Management” courses offered through vocational-technical schools, community colleges, and universities to determine if the requirements for the Director Credential coursework are met. Applications for new coursework will no longer be accepted by the department. A list of approved “Overview of Child Care Management” courses may be obtained from the department’s website at www.myflorida.com/childcare.

b. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

(I) Child Care and Education Organizational Leadership and Management;
(II) Child Care and Education Financial and Legal Issues; and
(III) Child Care and Education Programming.

Rulemaking Authority 402.305 FS. Law implemented 402.305 FS. History-New 9-12-04, Amended 4-12-07, 5-1-08, 1-13-10.

65C-22.009 Gold Seal Quality Care Program.

(1) Definitions.

(a) Gold Seal Quality Care Provider refers to a child care program that is accredited by a nationally recognized accrediting association pursuant to Section 402.281(1), F.S.

(b) “Effective” refers to the beginning date of a Gold Seal Quality Care provider’s designation certificate issued by the Child Care Program Office.

(c) “Expired” refers to the end date of a provider’s Gold Seal Quality Care designation certificate issued by the Child Care Program Office.

(d) “Gold Seal Quality Care Accrediting Association” refers to an accrediting association that has applied for and been approved by the department.

1. “Active” refers to the status of a Gold Seal Quality Care Accrediting Association that has met all criteria for accreditation and has been designated a Gold Seal Quality Care Accrediting Association by the department.

2. “Inactive” refers to the status of a Gold Seal Quality Care Accrediting Association in which all criteria for accreditation are no longer being successfully met or where an entity has failed to renew its active designation.

3. “Nationally Recognized” refers to an association whose accrediting body is recognized and is actively issuing accreditation certificates in at least five states at the time of approval.

(2) Gold Seal Quality Care Provider Requirements.

(a) Gold Seal Quality Care Provider Designation Certificate.

Pursuant to Section 402.281(1), F.S., a child care facility seeking to obtain a designation as a Gold Seal Quality Care provider shall provide the department with documentation of accreditation by an accrediting association that has been approved by the department. Acceptance of the documentation is subject to
verification by the issuing accrediting association. A list of approved accrediting associations may be obtained from the department’s website at www.myflorida.com/childcare.

(b) Gold Seal Quality Care Enforcement.

1. Gold Seal Quality Care providers must maintain accreditation by a Gold Seal Quality Care Accrediting Association in order to retain their designation. A child care facility’s Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a child care facility must meet the additional criteria outlined in Section 402.281(3), F.S.

2. If a provider’s Gold Seal Quality Care designation is revoked by the department, the Gold Seal Quality Care designation will be terminated effective on the date of revocation.

3. If a provider’s accreditation is revoked by the accrediting association, termination of the provider’s Gold Seal Quality Care designation by the department will be effective on the date of revocation.

4. If a provider receives accreditation from an inactive accrediting association, it shall not be recognized as a Gold Seal Quality Care Provider.

(3) Gold Seal Quality Care Accrediting Association Requirements.

(a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315, March 2009, Gold Seal Quality Care Accrediting Application, which is incorporated by reference. CF-FSP Form 5315 may be obtained from the department’s website at www.myflorida.com/childcare. Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six month waiting period from the date of denial before re-submission during the next scheduled acceptance month.

(b) The department may revoke a Gold Seal Quality Care Accrediting Association’s active status for failure to notify the department of a change in the association’s administration, operation or any condition under which the accreditation association was initially approved by the department as a Gold Seal Quality Care Accrediting Association, if such change results in the Association’s inability to meet the criteria provided in Section 402.281, F.S.

(c) Active Gold Seal Quality Care Associations must re-apply every five years by submitting CF-FSP Form 5315 that may be obtained from the department’s website at www.myflorida.com/childcare. Re-applications must be received a minimum of six months prior to end of the five year period. Failure to submit CF-FSP Form 5315 every five years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association.

(d) Inactive Gold Seal Quality Care Accrediting Associations seeking to renew their active status must be in compliance with all requirements outlined on CF-FSP Form 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending department’s approval.

Rulemaking Authority 402.281 FS. Law Implemented 402.281 FS. History–New 5-1-08, 1-13-10.

65C-22.010 Enforcement.

(1) Definitions.

(a) “Day” means a weekday, excluding weekends and holidays.

(b) “Probation” is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations of licensing standards. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the facility must operate during the probationary period.

(c) “Standards” are requirements for the operation of a licensed facility provided in statute or in rule.
(d) “Violation” means a finding of noncompliance by the department or local licensing authority of a licensing standard.

1. “Class I Violation” is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5316, March 2009, Child Care Facility Standards Classification Summary, which is incorporated by reference. A copy of the CF-FSP Form 5316 may be obtained from the department’s website at www.myflorida.com/childcare. Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect, and which could or does result in death or serious harm to the health, safety or well-being of a child.

2. “Class II Violation” is the second or subsequent incident of noncompliance with an individual Class II standard as described on CF-FSP Form 5316. Class II violations are less serious in nature than Class I 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.

3. “Class III Violation” is the third or subsequent incident of noncompliance 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, and pose a low potential for harm to children.

4. “Technical Support Violations” are the first or second occurrence of noncompliance of an individual Class III standard or the first occurrence of noncompliance of an individual Class II standard.

(2) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The department shall take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.

(b) Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within the Child Care Facility Standards Classification Summary, CF-FSP Form 5316.

(c) A violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.

(d) 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. 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 that occur within a two year period shall be progressively enforced as follows:

1. Class I Violations.
   a. For the first and second violation of a Class I standard, the department shall, upon applying the factors in Section 402.310(1), F.S., issue an administrative complaint imposing a fine not less than $100 nor more than $500 per day for each violation, and may impose other disciplinary sanctions in addition to the fine.
   b. For the third and subsequent violation of a Class I standard, the department shall issue an administrative complaint to suspend, deny or revoke the license. The department, upon applying the factors in Section 402.310(1), F.S., may also levy a fine not less than $100 nor more than $500 per day for each violation in addition to any other disciplinary sanction.

2. Class II Violations.
   a. For the first violation of a Class II standard, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard occur. The violation will be classified as “Technical Support.”
b. For the second violation of the same Class II standard, the department shall issue an administrative complaint imposing a fine of $50 for each violation. This violation, and subsequent violations, of the same standard within a two year period will be classified as “Class II.”

c. For the third violation of the same Class II standard, the department shall issue an administrative complaint imposing a fine of $60 per day for each violation.

d. For the fourth violation of the same Class II standard, the department shall issue an administrative complaint placing the provider’s license on probation status for a period not to exceed six months, and the department shall also issue an administrative complaint imposing an additional fine of $75 per day for each violation.

e. For the fifth and subsequent violation of the same Class II standard, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and the department shall also issue an administrative complaint imposing an additional fine of $100 per day for each violation.

3. Class III Violations.

a. For the first violation of a Class III standard, technical assistance shall be provided. The violation will be classified as “Technical Support.”

b. For the second violation of the same Class III standard, the department shall issue a formal warning letter stating the department’s intent to take administrative action if further violations of the standard are found. The violation will be classified as “Technical Support.”

c. For the third violation of the same Class III standard, the department shall issue an administrative complaint imposing a fine of $25 for each violation. This violation and subsequent violations of the same standard within a two year period will be classified as “Class III.”

d. For the fourth violation of the same Class III standard, the department shall issue an administrative complaint imposing a fine of $30 per day for each violation.

e. For the fifth violation of the same Class III standard, the department shall issue an administrative complaint placing the provider’s license on probation status for a period not to exceed six months, and the department shall also issue an administrative complaint imposing a fine of $40 per day for each violation.

f. For the sixth and subsequent violation of the same Class III standard, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and the department shall also issue an administrative complaint imposing a fine of $50 per day for each violation.


a. For the first violation of a Class III Children’s Health and/or Immunization standard, technical assistance shall be provided. The violation will be classified as “Technical Support.”

b. For the second violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as “Technical Support.”

c. For the third violation of the same Class III standard, the department shall issue an administrative complaint imposing a fine in the amount of $25 for each violation. This Class III violation, and subsequent Class III violations of the same standard within a two year period will be classified as “Class III.”

d. For the fourth violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint imposing a fine in the amount of $30 for each violation.

e. For the fifth violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint imposing a fine in the amount of $40 per day for each violation.

f. For the sixth and subsequent violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint placing the provider’s license or registration
on probation status for a period not to exceed six months, and the department shall also issue an administrative complaint imposing an additional fine of $50 per day for each violation.

NAEYC recognizes that those who work with young children face many daily decisions that have moral and ethical implications. The NAEYC Code of Ethical Conduct offers guidelines for responsible behavior and sets forth a common basis for resolving the principal ethical dilemmas encountered in early childhood care and education. The Statement of Commitment is not part of the Code but is a personal acknowledgement of an individual’s willingness to embrace the distinctive values and moral obligations of the field of early childhood care and education.

The primary focus of the Code is on daily practice with children and their families in programs for children from birth through 8 years of age, such as infant/toddler programs, preschool and prekindergarten programs, child care centers, hospital and child life settings, family child care homes, kindergartens, and primary classrooms. When the issues involve young children, then these provisions also apply to specialists who do not work directly with children, including program administrators, parent educators, early childhood adult educators, and officials with responsibility for program monitoring and licensing. (Note: See also the “Code of Ethical Conduct: Supplement for Early Childhood Adult Educators,” online at www.naeyc.org/about/positions/pdf/ethics04.pdf.)

Core values

Standards of ethical behavior in early childhood care and education are based on commitment to the following core values that are deeply rooted in the history of the field of early childhood care and education. We have made a commitment to:

- Appreciate childhood as a unique and valuable stage of the human life cycle
- Base our work on knowledge of how children develop and learn
- Appreciate and support the bond between the child and family
- Recognize that children are best understood and supported in the context of family, culture,* community, and society
- Respect the dignity, worth, and uniqueness of each individual (child, family member, and colleague)
- Respect diversity in children, families, and colleagues
- Recognize that children and adults achieve their full potential in the context of relationships that are based on trust and respect

* The term culture includes ethnicity, racial identity, economic level, family structure, language, and religious and political beliefs, which profoundly influence each child’s development and relationship to the world.
Conceptual framework

The Code sets forth a framework of professional responsibilities in four sections. Each section addresses an area of professional relationships: (1) with children, (2) with families, (3) among colleagues, and (4) with the community and society. Each section includes an introduction to the primary responsibilities of the early childhood practitioner in that context. The introduction is followed by a set of ideals (I) that reflect exemplary professional practice and by a set of principles (P) describing practices that are required, prohibited, or permitted.

The ideals reflect the aspirations of practitioners. The principles guide conduct and assist practitioners in resolving ethical dilemmas.* Both ideals and principles are intended to direct practitioners to those questions which, when responsibly answered, can provide the basis for conscientious decision making. While the Code provides specific direction for addressing some ethical dilemmas, many others will require the practitioner to combine the guidance of the Code with professional judgment.

The ideals and principles in this Code present a shared framework of professional responsibility that affirms our commitment to the core values of our field. The Code publicly acknowledges the responsibilities that we in the field have assumed, and in so doing supports ethical behavior in our work. Practitioners who face situations with ethical dimensions are urged to seek guidance in the applicable parts of this Code and in the spirit that informs the whole.

Often “the right answer”—the best ethical course of action to take—is not obvious. There may be no readily apparent, positive way to handle a situation. When one important value contradicts another, we face an ethical dilemma. When we face a dilemma, it is our professional responsibility to consult the Code and all relevant parties to find the most ethical resolution.

Section I

Ethical Responsibilities to Children

Childhood is a unique and valuable stage in the human life cycle. Our paramount responsibility is to provide care and education in settings that are safe, healthy, nurturing, and responsive for each child. We are committed to supporting children’s development and learning; respecting individual differences; and helping children learn to live, play, and work cooperatively. We are also committed to promoting children’s self-awareness, competence, self-worth, resiliency, and physical well-being.

Ideals

I-1.1—To be familiar with the knowledge base of early childhood care and education and to stay informed through continuing education and training.
I-1.2—To base program practices upon current knowledge and research in the field of early childhood education, child development, and related disciplines, as well as on particular knowledge of each child.
I-1.3—To recognize and respect the unique qualities, abilities, and potential of each child.
I-1.4—To appreciate the vulnerability of children and their dependence on adults.
I-1.5—To create and maintain safe and healthy settings that foster children’s social, emotional, cognitive, and physical development and that respect their dignity and their contributions.
I-1.6—To use assessment instruments and strategies that are appropriate for the children to be assessed, that are used only for the purposes for which they were designed, and that have the potential to benefit children.
I-1.7—To use assessment information to understand and support children’s development and learning, to support instruction, and to identify children who may need additional services.
I-1.8—To support the right of each child to play and learn in an inclusive environment that meets the needs of children with and without disabilities.
I-1.9—To advocate for and ensure that all children, including those with special needs, have access to the support services needed to be successful.
I-1.10—To ensure that each child’s culture, language, ethnicity, and family structure are recognized and valued in the program.
I-1.11—To provide all children with experiences in a language that they know, as well as support children in maintaining the use of their home language and in learning English.
I-1.12—To work with families to provide a safe and smooth transition as children and families move from one program to the next.

* There is not necessarily a corresponding principle for each ideal.
**NAEYC Code of Ethical Conduct Revised April 2005**

**Principles**

P-1.1—Above all, we shall not harm children. We shall not participate in practices that are emotionally damaging, physically harmful, disrespectful, degrading, dangerous, exploitative, or intimidating to children. This principle has precedence over all others in this Code.

P-1.2—We shall care for and educate children in positive emotional and social environments that are cognitively stimulating and that support each child’s culture, language, ethnicity, and family structure.

P-1.3—We shall not participate in practices that discriminate against children by denying benefits, giving special advantages, or excluding them from programs or activities on the basis of their sex, race, national origin, religious beliefs, medical condition, disability, or the marital status/family structure, sexual orientation, or religious beliefs or other affiliations of their families. (Aspects of this principle do not apply in programs that have a lawful mandate to provide services to a particular population of children.)

P-1.4—We shall involve all those with relevant knowledge (including families and staff) in decisions concerning a child, as appropriate, ensuring confidentiality of sensitive information.

P-1.5—We shall use appropriate assessment systems, which include multiple sources of information, to provide information on children’s learning and development.

P-1.6—We shall strive to ensure that decisions such as those related to enrollment, retention, or assignment to special education services, will be based on multiple sources of information and will never be based on a single assessment, such as a test score or a single observation.

P-1.7—We shall strive to build individual relationships with each child; make individualized adaptations in teaching strategies, learning environments, and curricula; and consult with the family so that each child benefits from the program. If after such efforts have been exhausted, the current placement does not meet a child’s needs, or the child is seriously jeopardizing the ability of other children to benefit from the program, we shall collaborate with the child’s family and appropriate specialists to determine the additional services needed and/or the placement option(s) most likely to ensure the child’s success. (Aspects of this principle may not apply in programs that have a lawful mandate to provide services to a particular population of children.)

P-1.8—We shall be familiar with the risk factors for and symptoms of child abuse and neglect, including physical, sexual, verbal, and emotional abuse and physical, emotional, educational, and medical neglect. We shall know and follow state laws and community procedures that protect children against abuse and neglect.

P-1.9—When we have reasonable cause to suspect child abuse or neglect, we shall report it to the appropriate community agency and follow up to ensure that appropriate action has been taken. When appropriate, parents or guardians will be informed that the referral will be or has been made.

P-1.10—When another person tells us of his or her suspicion that a child is being abused or neglected, we shall assist that person in taking appropriate action in order to protect the child.

P-1.11—When we become aware of a practice or situation that endangers the health, safety, or well-being of children, we have an ethical responsibility to protect children or inform parents and/or others who can.

**Section II**

**Ethical Responsibilities to Families**

Families* are of primary importance in children’s development. Because the family and the early childhood practitioner have a common interest in the child’s well-being, we acknowledge a primary responsibility to bring about communication, cooperation, and collaboration between the home and early childhood program in ways that enhance the child’s development.

**Ideals**

I-2.1—To be familiar with the knowledge base related to working effectively with families and to stay informed through continuing education and training.

I-2.2—To develop relationships of mutual trust and create partnerships with the families we serve.

I-2.3—To welcome all family members and encourage them to participate in the program.

* The term family may include those adults, besides parents, with the responsibility of being involved in educating, nurturing, and advocating for the child.
I-2.4—To listen to families, acknowledge and build upon their strengths and competencies, and learn from families as we support them in their task of nurturing children.

I-2.5—To respect the dignity and preferences of each family and to make an effort to learn about its structure, culture, language, customs, and beliefs.

I-2.6—To acknowledge families’ childrearing values and their right to make decisions for their children.

I-2.7—To share information about each child’s education and development with families and to help them understand and appreciate the current knowledge base of the early childhood profession.

I-2.8—To help family members enhance their understanding of their children and support the continuing development of their skills as parents.

I-2.9—To participate in building support networks for families by providing them with opportunities to interact with program staff, other families, community resources, and professional services.

Principles

P-2.1—We shall not deny family members access to their child’s classroom or program setting unless access is denied by court order or other legal restriction.

P-2.2—We shall inform families of program philosophy, policies, curriculum, assessment system, and personnel qualifications, and explain why we teach as we do—which should be in accordance with our ethical responsibilities to children (see Section I).

P-2.3—We shall inform families of and, when appropriate, involve them in policy decisions.

P-2.4—We shall involve the family in significant decisions affecting their child.

P-2.5—We shall make every effort to communicate effectively with all families in a language that they understand. We shall use community resources for translation and interpretation when we do not have sufficient resources in our own programs.

P-2.6—As families share information with us about their children and families, we shall consider this information to plan and implement the program.

P-2.7—We shall inform families about the nature and purpose of the program’s child assessments and how data about their child will be used.

P-2.8—We shall treat child assessment information confidentially and share this information only when there is a legitimate need for it.

P-2.9—We shall inform the family of injuries and incidents involving their child, of risks such as exposures to communicable diseases that might result in infection, and of occurrences that might result in emotional stress.

P-2.10—Families shall be fully informed of any proposed research projects involving their children and shall have the opportunity to give or withhold consent without penalty. We shall not permit or participate in research that could in any way hinder the education, development, or well-being of children.

P-2.11—We shall not engage in or support exploitation of families. We shall not use our relationship with a family for private advantage or personal gain, or enter into relationships with family members that might impair our effectiveness working with their children.

P-2.12—We shall develop written policies for the protection of confidentiality and the disclosure of children’s records. These policy documents shall be made available to all program personnel and families. Disclosure of children’s records beyond family members, program personnel, and consultants having an obligation of confidentiality shall require familial consent (except in cases of abuse or neglect).

P-2.13—We shall maintain confidentiality and shall respect the family’s right to privacy, refraining from disclosure of confidential information and intrusion into family life. However, when we have reason to believe that a child’s welfare is at risk, it is permissible to share confidential information with agencies, as well as with individuals who have legal responsibility for intervening in the child’s interest.

P-2.14—In cases where family members are in conflict with one another, we shall work openly, sharing our observations of the child, to help all parties involved make informed decisions. We shall refrain from becoming an advocate for one party.

P-2.15—We shall be familiar with and appropriately refer families to community resources and professional support services. After a referral has been made, we shall follow up to ensure that services have been appropriately provided.
Section III

Ethical Responsibilities to Colleagues

In a caring, cooperative workplace, human dignity is respected, professional satisfaction is promoted, and positive relationships are developed and sustained. Based upon our core values, our primary responsibility to colleagues is to establish and maintain settings and relationships that support productive work and meet professional needs. The same ideals that apply to children also apply as we interact with adults in the workplace.

A—Responsibilities to co-workers

Ideals

I-3A.1—To establish and maintain relationships of respect, trust, confidentiality, collaboration, and cooperation with co-workers.
I-3A.2—To share resources with co-workers, collaborating to ensure that the best possible early childhood care and education program is provided.
I-3A.3—To support co-workers in meeting their professional needs and in their professional development.
I-3A.4—To accord co-workers due recognition of professional achievement.

Principles

P-3A.1—We shall recognize the contributions of colleagues to our program and not participate in practices that diminish their reputations or impair their effectiveness in working with children and families.
P-3A.2—When we have concerns about the professional behavior of a co-worker, we shall first let that person know of our concern in a way that shows respect for personal dignity and for the diversity to be found among staff members, and then attempt to resolve the matter collegially and in a confidential manner.
P-3A.3—We shall exercise care in expressing views regarding the personal attributes or professional conduct of co-workers. Statements should be based on firsthand knowledge, not hearsay, and relevant to the interests of children and programs.
P-3A.4—We shall not participate in practices that discriminate against a co-worker because of sex, race, national origin, religious beliefs or other affiliations, age, marital status/family structure, disability, or sexual orientation.

B—Responsibilities to employers

Ideals

I-3B.1—To assist the program in providing the highest quality of service.
I-3B.2—To do nothing that diminishes the reputation of the program in which we work unless it is violating laws and regulations designed to protect children or is violating the provisions of this Code.

Principles

P-3B.1—we shall follow all program policies. When we do not agree with program policies, we shall attempt to effect change through constructive action within the organization.
P-3B.2—we shall speak or act on behalf of an organization only when authorized. We shall take care to acknowledge when we are speaking for the organization and when we are expressing a personal judgment.
P-3B.3—we shall not violate laws or regulations designed to protect children and shall take appropriate action consistent with this Code when aware of such violations.
P-3B.4—if we have concerns about a colleague’s behavior, and children’s well-being is not at risk, we may address the concern with that individual. If children are at risk or the situation does not improve after it has been brought to the colleague’s attention, we shall report the colleague’s unethical or incompetent behavior to an appropriate authority.
P-3B.5—When we have a concern about circumstances or conditions that impact the quality of care and education within the program, we shall inform the program’s administration or, when necessary, other appropriate authorities.

C—Responsibilities to employees

Ideals

I-3C.1—To promote safe and healthy working conditions and policies that foster mutual respect, cooperation, collaboration, competence, well-being, confidentiality, and self-esteem in staff members.
I-3C.2—To create and maintain a climate of trust and
candor that will enable staff to speak and act in the
best interests of children, families, and the field of
eyearly childhood care and education.
I-3C.3—To strive to secure adequate and equitable
compensation (salary and benefits) for those who
work with or on behalf of young children.
I-3C.4—To encourage and support continual develop-
ment of employees in becoming more skilled and
knowledgeable practitioners.

Principles

P-3C.1—In decisions concerning children and pro-
grams, we shall draw upon the education, training,
experience, and expertise of staff members.
P-3C.2—We shall provide staff members with safe and
supportive working conditions that honor confidences
and permit them to carry out their responsibilities
through fair performance evaluation, written griev-
ance procedures, constructive feedback, and opportu-
nities for continuing professional development and
advancement.
P-3C.3—We shall develop and maintain comprehensive
written personnel policies that define program
standards. These policies shall be given to new staff
members and shall be available and easily accessible
for review by all staff members.
P-3C.4—We shall inform employees whose performance
does not meet program expectations of areas of
concern and, when possible, assist in improving their
performance.
P-3C.5—We shall conduct employee dismissals for just
cause, in accordance with all applicable laws and
regulations. We shall inform employees who are
dismissed of the reasons for their termination. When a
dismissal is for cause, justification must be based on
evidence of inadequate or inappropriate behavior that
is accurately documented, current, and available for
the employee to review.
P-3C.6—In making evaluations and recommendations,
we shall make judgments based on fact and relevant to
the interests of children and programs.
P-3C.7—We shall make hiring, retention, termination,
and promotion decisions based solely on a person’s
competence, record of accomplishment, ability to
carry out the responsibilities of the position, and
professional preparation specific to the developmental
levels of children in his/her care.
P-3C.8—We shall not make hiring, retention, termina-
tion, and promotion decisions based on an individ-
ual’s sex, race, national origin, religious beliefs or
other affiliations, age, marital status/family structure,
disability, or sexual orientation. We shall be familiar
with and observe laws and regulations that pertain to
employment discrimination. (Aspects of this principle
do not apply to programs that have a lawful mandate
to determine eligibility based on one or more of the
criteria identified above.)
P-3C.9—We shall maintain confidentiality in dealing
with issues related to an employee’s job performance
and shall respect an employee’s right to privacy
regarding personal issues.

Section IV

Ethical Responsibilities to Community
and Society

Early childhood programs operate within the context
of their immediate community made up of families and
other institutions concerned with children’s welfare.
Our responsibilities to the community are to provide
programs that meet the diverse needs of families, to
cooperate with agencies and professions that share the
responsibility for children, to assist families in gaining
access to those agencies and allied professionals, and
to assist in the development of community programs
that are needed but not currently available.

As individuals, we acknowledge our responsibility to
provide the best possible programs of care and educa-
tion for children and to conduct ourselves with honesty
and integrity. Because of our specialized expertise in
early childhood development and education and
because the larger society shares responsibility for the
welfare and protection of young children, we acknowl-
edge a collective obligation to advocate for the best
interests of children within early childhood programs
and in the larger community and to serve as a voice for
young children everywhere.

The ideals and principles in this section are pre-
sented to distinguish between those that pertain to the
work of the individual early childhood educator and
those that more typically are engaged in collectively on
behalf of the best interests of children—with the
understanding that individual early childhood educa-
tors have a shared responsibility for addressing the
ideals and principles that are identified as “collective.”
Ideal (Individual)

I-4.1—To provide the community with high-quality early childhood care and education programs and services.

Ideals (Collective)

I-4.2—To promote cooperation among professionals and agencies and interdisciplinary collaboration among professions concerned with addressing issues in the health, education, and well-being of young children, their families, and their early childhood educators.

I-4.3—To work through education, research, and advocacy toward an environmentally safe world in which all children receive health care, food, and shelter; are nurtured; and live free from violence in their home and their communities.

I-4.4—To work through education, research, and advocacy toward a society in which all young children have access to high-quality early care and education programs.

I-4.5—To work to ensure that appropriate assessment systems, which include multiple sources of information, are used for purposes that benefit children.

I-4.6—To promote knowledge and understanding of young children and their needs. To work toward greater societal acknowledgment of children's rights and greater social acceptance of responsibility for the well-being of all children.

I-4.7—To support policies and laws that promote the well-being of children and families, and to work to change those that impair their well-being. To participate in developing policies and laws that are needed, and to cooperate with other individuals and groups in these efforts.

I-4.8—To further the professional development of the field of early childhood care and education and to strengthen its commitment to realizing its core values as reflected in this Code.

Principles (Individual)

P-4.1—We shall communicate openly and truthfully about the nature and extent of services that we provide.

P-4.2—We shall apply for, accept, and work in positions for which we are personally well-suited and professionally qualified. We shall not offer services that we do not have the competence, qualifications, or resources to provide.

P-4.3—We shall carefully check references and shall not hire or recommend for employment any person whose competence, qualifications, or character makes him or her unsuited for the position.

P-4.4—We shall be objective and accurate in reporting the knowledge upon which we base our program practices.

P-4.5—We shall be knowledgeable about the appropriate use of assessment strategies and instruments and interpret results accurately to families.

P-4.6—We shall be familiar with laws and regulations that serve to protect the children in our programs and be vigilant in ensuring that these laws and regulations are followed.

P-4.7—When we become aware of a practice or situation that endangers the health, safety, or well-being of children, we have an ethical responsibility to protect children or inform parents and/or others who can.

P-4.8—We shall not participate in practices that are in violation of laws and regulations that protect the children in our programs.

P-4.9—When we have evidence that an early childhood program is violating laws or regulations protecting children, we shall report the violation to appropriate authorities who can be expected to remedy the situation.

P-4.10—When a program violates or requires its employees to violate this Code, it is permissible, after fair assessment of the evidence, to disclose the identity of that program.

Principles (Collective)

P-4.11—When policies are enacted for purposes that do not benefit children, we have a collective responsibility to work to change these practices.

P-4.12—When we have evidence that an agency that provides services intended to ensure children's well-being is failing to meet its obligations, we acknowledge a collective ethical responsibility to report the problem to appropriate authorities or to the public. We shall be vigilant in our follow-up until the situation is resolved.

P-4.13—When a child protection agency fails to provide adequate protection for abused or neglected children, we acknowledge a collective ethical responsibility to work toward the improvement of these services.
Glossary of Terms Related to Ethics

**Code of Ethics.** Defines the core values of the field and provides guidance for what professionals should do when they encounter conflicting obligations or responsibilities in their work.

**Values.** Qualities or principles that individuals believe to be desirable or worthwhile and that they prize for themselves, for others, and for the world in which they live.

**Core Values.** Commitments held by a profession that are consciously and knowingly embraced by its practitioners because they make a contribution to society. There is a difference between personal values and the core values of a profession.

**Morality.** Peoples’ views of what is good, right, and proper; their beliefs about their obligations; and their ideas about how they should behave.

**Ethics.** The study of right and wrong, or duty and obligation, that involves critical reflection on morality and the ability to make choices between values and the examination of the moral dimensions of relationships.

**Professional Ethics.** The moral commitments of a profession that involve moral reflection that extends and enhances the personal morality practitioners bring to their work, that concern actions of right and wrong in the workplace, and that help individuals resolve moral dilemmas they encounter in their work.

**Ethical Responsibilities.** Behaviors that one must or must not engage in. Ethical responsibilities are clear-cut and are spelled out in the Code of Ethical Conduct (for example, early childhood educators should never share confidential information about a child or family with a person who has no legitimate need for knowing).

**Ethical Dilemma.** A moral conflict that involves determining appropriate conduct when an individual faces conflicting professional values and responsibilities.

Sources for glossary terms and definitions


Statement of Commitment*

As an individual who works with young children, I commit myself to furthering the values of early childhood education as they are reflected in the ideals and principles of the NAEYC Code of Ethical Conduct. To the best of my ability I will

- Never harm children.
- Ensure that programs for young children are based on current knowledge and research of child development and early childhood education.
- Respect and support families in their task of nurturing children.
- Respect colleagues in early childhood care and education and support them in maintaining the NAEYC Code of Ethical Conduct.
- Serve as an advocate for children, their families, and their teachers in community and society.
- Stay informed of and maintain high standards of professional conduct.
- Engage in an ongoing process of self-reflection, realizing that personal characteristics, biases, and beliefs have an impact on children and families.
- Be open to new ideas and be willing to learn from the suggestions of others.
- Continue to learn, grow, and contribute as a professional.
- Honor the ideals and principles of the NAEYC Code of Ethical Conduct.

* This Statement of Commitment is not part of the Code but is a personal acknowledgment of the individual’s willingness to embrace the distinctive values and moral obligations of the field of early childhood care and education. It is recognition of the moral obligations that lead to an individual becoming part of the profession.
The Department of Children and Families (DCF) would like to extend congratulations on your recent completion of its course, Child Care Facility Rules and Regulations. It is hoped that you enjoyed the experience and are ready to apply your new skills in the workforce.

Now that you have completed Child Care Facility Rules and Regulations, please consider registering for other DCF courses.

For more information on training and licensing requirements, please visit the Department of Children and Families’ Web site at www.myflorida.com/childcare/.

**How to use this study guide**
This study guide will assist you in preparing for DCF’s Child Care Facility Rules and Regulations competency exam. Please be aware that this study guide does not replace the participant’s guide you used during the course. You are encouraged to use your participant’s guide to study for the exam. This study guide will help you focus your studies. However, it does not contain the specific questions and answers you will see on the exam. Use this study guide, and the key points, and objectives in your participant’s guide to prepare for your exam.
5 Tips to Help You Get the Most from Your Study Time

#1 **Budget your time.**
Make sure you have time to study and review your work both during the course and before the exam.

#2 **Set aside time immediately after class to start your review.**
This is the best time to review your notes and identify if you have any questions concerning the material presented in the course. The night before the exam would be too late for this step.

#3 **Review all material again before the exam.**
Organize all of your class notes and other material you may have received during the course sessions. Pay specific attention to your participant’s guide.

#4 **Create your own study guide.**
Organize your notes into key ideas and other information you want to remember on one sheet of paper. If you need more than one sheet, that’s all right, but try to keep the ideas organized, brief, and to the point.

#5 **Space out your studying.**
You will learn more if you study a little each day rather than trying to “cram” all the information into your head the night before the exam. Studying a little each day will help the material stay in your long-term memory.
10 Tips for Success on Your Competency Exam

#1 Take care of your personal needs.
Make sure you rest well the night before the exam. Eat before taking your exam; do not take the exam hungry. Leave enough time to take care of all your personal needs before the exam so that you can concentrate during the exam.

#2 Be well-prepared.
Being well-prepared, and arriving early will reduce anxiety. Bring at least two #2 pencils, a photo ID and the confirmation letter you received after you registered.

#3 Listen carefully, read the instructions and ask questions if you don’t understand.
It is important to listen carefully to the directions you are given. Read the instructions carefully, and ask questions if you do not understand them.

#4 Read through the entire exam.
Read through the entire exam first to get a feel for the exam. Pay attention to how it is structured and how the questions are written.

#5 Tips for multiple choice questions.
Read the question first. Eliminate answers you know are not correct. If you do not know an answer, try to guess.

#6 Do the easy questions first.
Do the easy questions first and then go on to harder questions or questions that require additional thought. This strategy will help ensure that you answer all the questions you know before you go on to the challenging questions. This strategy also helps build your confidence.

#7 Have a problem with a question? Skip it!
If you have a problem with a question, skip it and come back to it later. Just as you worked on the “easy” questions first, it is important that you not get “stuck” on one question and that you use your time answering questions you can.

#8 Read all options.
Be sure that you read all of your choices before selecting an answer.

#9 Stay focused.
Don’t let your mind wander or worry about other students who may be completing an exam before you do. Stay focused and work on one question at a time.

#10 Before you turn in your exam, check your work.
Make sure you have answered all the questions. Double check!
Sample Scantron

This is an example of the Scantron sheet that you will use when take the exam for this course.
Module 1: The Child Care Professional and the Law

1. What is the main purpose for regulatory agencies in child care? How do they influence the care each child receives?

[Blank space]

2. Identify three agencies that play a role in regulating child care in Florida and explain each agency's role.

[Blank space]

3. Match the following:

A. American with Disabilities Act
B. Florida Administrative Code
C. Florida State Statutes

_____ 1. Made up by the individual laws which were passed by the Legislature
_____ 2. Made up of the rules that are created by the Department of Children and Families and enforced by the DCF and many other state and local agencies
_____ 3. Prohibits discrimination of people who are handicapped or disabled
Module 2: The Florida Statutes
NOTE: You are not responsible for knowing the specific statute numbers, but you will be asked about legislation. You do not have to memorize the law word-for-word but you should be able to summarize legislation and understand the intent.

4. What does the Legislature recognize about child care in Florida?

5. What is child care? What is a child care facility?

6. Describe the fire and emergency preparedness requirements.

7. What must the Department of Children and Families do in regards to licensing?

8. Where can you obtain information regarding current rules, regulations, and requirements about child care in Florida?
9. How many credentialed staff must a program have if they have 38 children?

10. Why are there minimum standards regarding buildings, health, safety, and nutrition?

11. List examples of effective communication with parents.

12. What do the Florida Statutes outline regarding discipline of children?

13. In regards to child care facilities, what does the law require regarding licensing and disciplinary actions?

14. What are the penalties for lying in regards to a child care facility?
Module 3: The Americans with Disabilities Act

15. What is the role of the Americans with Disabilities Act in the provision of child care in Florida?

16. How can you apply knowledge of the Americans with Disabilities Act to your daily work as a child care provider?
Module 4: The Florida Administrative Code

NOTE: To study for this portion of the competency exam, you should review the Florida Administrative Code in your participant’s guide as well as your notes from class. You are not responsible for knowing specific code numbers, but you will be asked about rule requirements.

17. What is the role of the Florida Administrative Code in the provision of child care in Florida?
Module 5: Professionalism

18. What resources are available to child care professionals to stay up-to-date on child care regulations and best practices? Name at least 3 of these resources.

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19. As a child care professional, you have ethical responsibilities toward 4 groups of people. Name the groups and describe your ethical responsibilities to each.

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