



Child Care Licensing Program

Department of Children and Families

Desk Reference Guide

Record of changes

DATE	PAGE	CHANGE
August 2014	10	Updated instructions for processing Licensure Surveys
August 2014	14	Commonly-encountered child care arrangement not subject to licensure
August 2014	146-147	Staff Credential Enforcement – Large Family Child Care Homes
August 2014	262	Additional information regarding advertisements requiring display of license number
July 2018	Chapter 1	Clarification on the licensure questionnaire process, and descriptions of programs excluded from the definition of child care. Added new exemption categories for exempt school age programs and professionalism.
July 2018	Chapter 2	Added handbook references for each program type, guidance for facilities/homes that have a well as a water source must be permitted and inspected by either DOH or DEP; safety plan required for programs that do not have all of the classrooms in one building; CF-FSP 5272 re-enlisted for School Age programs; and description on entering license dates in CARES.
July 2018	36 (throughout the document)	Changed the reference from CDA to a staff credential
July 2018	44 (throughout the document)	Infant/child CPR replaced with Pediatric CPR
July 2018	52 (throughout the document)	Changed reference from CCIS to CARES
July 2018	58 (throughout the document)	Changed reference from CCIS to CCRA
July 2018	Chapter 3	Updated the registration process

Record of changes (continued)

DATE	PAGE	CHANGE
July 2018	Chapter 4	Added guidance for School Readiness and Gold Seal Licensed Exempt inspection process.
July 2018	Chapter 6	Updated the screening process guidance regarding using the clearinghouse, out-of-state checks, states included in the national fingerprint file program (NFF), and non-active corporate/LLC members. Clarification of program types and persons subject to screening.
July 2018	Chapter 7	Added guidance for School Readiness provider types and the new requirement for written approval for renovations and/or new facilities
July 2018	Chapter 8	Note added regarding responsibility of licensing staff to follow-up with the hotline to ensure allegations were reported.
July 2018	Chapter 9	Added reference to school readiness complaints and clarifying language regarding screening verification in the Clearinghouse.
July 2018	Chapter 10	Updated definitions for NECC and FCCPC.
July 2018	Chapter 11	New language added regarding: the partnership with ELC, LLA, and Religious Exempt accrediting agencies for contacting providers after a disaster; assistance from other regions when disaster is isolated; and clarifying language regarding the use of alternative power sources (generators).
July 2018	Chapter 12	Removed references to Technical Support to align with rule. New matrix included that offers technical assistance with each occurrence of a violation. Added new examples in each level of violation that is relevant to the current rule and guidance of the notice of citation process.
July 2018	Chapter 13	Added guidance on breastmilk/formula, caterers, food prep area, food storage, food safety, food handling, dishwashing/sanitization, and food standards for homes.
July 2018	Chapter 14	Added section for School readiness group size. Clarifying language for infant requirement and the ability for a large home to operate as a regular home when enrollment is low.

Record of changes (continued)

DATE	PAGE	CHANGE
July 2018	Chapter 15	Reorganized sections and added requirements for non-active corporate/LLC member, expulsion policy, breastmilk storage, shaken baby syndrome and abusive head trauma policy, safe sleep policy, and daily attendance including notation of communication when child is absent.
July 2018	Chapter 16	Updated the religious exempt process
July 2018	Chapter 17	Added new requirements for: active supervision, responsibility of supervision until released to an authorized person (photo id), daily activities – no confining devices, monitoring for choking hazards, during field trips away from the facility/home, during transportation, and water activities – touch supervision
July 2018	Chapter 18	New chart added to show educational exemption and section on school readiness preservice training requirements.
July 2018	Chapter 19	Clarifying language added for acceptable background screening for foster grandparents.
July 2018	Chapter 20	New chapter for School Readiness Inspections
July 2018	Appendix A	Added new definitions for: caterer, fire safety, food equipment, Meal time supervision, potentially hazardous food, preparation of food, serving food, tableware, and utensils
July 2018	Appendix B	Re-organized the guidance to match the current classification summaries for facilities, large homes, and homes.
February 2020	Chapter 1	Clarification of School-age rule authority
February 2020	Chapter 1	Added new criteria for Instructional/Tutorial programs
February 2020	Chapter 1	Added documentation requirements for zoning/HOA/landlords
February 2020	Chapter 1	Added reference relationship with School Readiness program and USDA Food program
February 2020	Chapter 2	Clarification for required screening documents
February 2020	Chapter 2	Added requirement to complete the Renewal Application tracking log

Record of changes (continued)

DATE	PAGE	CHANGE
February 2020	Chapter 4	Clarification on when an abbreviated inspection must be changed to a routine inspection
February 2020	Chapter 4	Added options for how to monitor children files throughout the licensure year
February 2020	Chapter 4	New requirement for reinspection timeframe. Must be completed within 10 days of corrective action due date
February 2020	Chapter 4	Additional language for setting corrective action due date
February 2020	Chapter 6	New section for re-arrest notifications
February 2020	Chapter 20	New requirement for reinspection timeframe for school readiness. Must be completed within 10 days of corrective action due date
July 2020	Chapter 1	Clarification on s. 402.3025 excluded programs staffing requirements based on recent final order
July 2020	Chapter 4	Clarification on Notice of Administrative Actions and removes warning letters
July 2020	Chapter 8	Updated roles for CPI and counselor. Added section on legal and communications
July 2020	Chapter 10	Provisional status renewal statutory reference added for loss of Director Credential
July 2020	Chapter 11	New section for pandemics
July 2020	Chapter 12	Clarification on Gold Seal enforcement for LLA counties
July 2020	Chapter 12	Clarification on continued inspections during pending administrative action
July 2020	Chapter 14	Changed language for infant ratio standard to match statute
July 2020	Chapter 16	Change in renewal process including timeframes and the complaint process
July 2020	Chapter 16	Clarification on how to handle provider that are licensed voluntarily
July 2020	Chapter 18	Clarification on virtual CPR training assessments as an acceptable option
July 2020	Chapter 19	Clarification that Volunteers at a program that is exempt from licensure per 65C-22.008, F.A.C. are subject to background screening requirements

DEPARTMENT OF CHILDREN AND FAMILIES

Child Care Desk Reference Guide

July 2020

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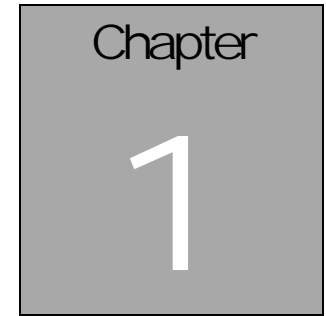
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Chapter 1: General Information

Regulatory Authority

“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”.¹ To that end, the Child Care Regulation Program is responsible for regulating programs that provide services that meet the statutory definition of “child care.” This is accomplished through the inspection of licensed child care programs to ensure the consistent statewide application of child care standards established in statute and rule and the registration of child care providers not subject to inspection.

Child Care Programs Subject to Regulation

It is the policy of the Child Care Regulation Program to analyze each child care program individually to determine its licensure requirements, depending on the type of program (See Child Care Policy Memo, [“Definition of Child Care”](#), July 1, 2003). In order to determine these requirements, the provider is required to submit a current written description of the program. To ensure consistent and accurate determinations for all programs statewide, completed Child Care Licensure questionnaires are to be sent to the child care program office for review and a determination of licensure, exemption or exclusion from licensure. Upon issuance of a determination letter to the requestor, the program office will forward copies (letter and questionnaire) to the appropriate regional safety program manager, licensing supervisor, program analyst, legal counsel, and early learning coalition (if applicable). The program is instructed to contact the child care program office again if there are any changes, since the requirements will be based on the program as described in the most current submission of information.



Recommended practice...

Send the [Licensure Questionnaire](#) form to the person/program making the inquiry. This will provide the basic information needed to make a decision. Do not respond to a verbal inquiry since it is difficult to document verbal conversations.

“Child care” is defined as “the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.”² If a child care program meets this statutory definition of “child care,” it is subject to regulation by the Department/local licensing agencies, unless specifically excluded or exempted from

¹ Section 402.26(3), F.S.

² Section 402.302(1), F.S.

regulation by statute or rule. The following categories of child care programs are subject to regulation by the Department or local licensing agencies:

Child Care Facilities

A child care facility is defined as “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.”³

- **Indoor Recreational Facilities** - 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 four hours on any one day.”⁴
- **Drop-in Child Care Programs** - 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.”⁵
- **Specialized Child Care Programs for the Care of Mildly Ill Children** – This type of program provides care for children with short-term illness or symptoms of illness or disability. The services may be provided as either an exclusive service offered in a center specialized for this purpose, or as a component of other child care services offered in a distinct and separate part of a regularly licensed child care facility.⁶
- **Urban Child Care Facilities** – In order to be considered an urban child care facility, the child care program must have written documentation from the local governing body that confirms the facility is located in an urban location where outdoor play space is not available as determined by the licensing authority.⁷
- **Evening Child Care** – “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
- **Certain Public School-Based Programs** - The following public school-based programs for children *are* considered child care and are subject to licensure: 1) Programs for children who are under five years of age when the programs are not operated and staffed directly by the schools, and 2) Programs for children under three years of age who are not eligible for participation in the programs under existing or successor provisions of the Individuals with Disabilities Education Act (IDEA).⁹
- **Certain Non-Public School-Based Programs** - Child care programs for children under three years of age operated by non-public schools are subject to licensure.¹⁰ Additionally, child care programs for children three years of age and up operated by non-public schools,

³ Section 402.302(2), F.S.

⁴ Section 402.302(10), F.S.

⁵ Section 402.302(6), F.S.

⁶ Section 402.305(17), F.S., and 65C-25.001, F.A.C.

⁷ 65C-22.001(2), F.A.C.

⁸ Section 402.302(7), F.S.

⁹ Section 402.3025(1)(b), F.S.

¹⁰ Section 402.3025(2)(a)-(c), F.S.

where more than 50% of the children enrolled are younger than five years of age, are also required to be licensed.

Family Day Care Homes (including licensed and registered)

A family day care home is defined as “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.”¹¹

Large Family Child Care Homes

A large family child care home is defined as “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.”¹²

Chapter 2: Licensing, Chapter 3: Registration, and Chapter 16: Religious Exemption provides more detailed information to assist in determining if a program meets the statutory definition of “child care” that falls within the regulatory authority of the Department.

Exclusions and Exemptions

Certain types of non-custodial care may meet the definition of “child care” but fall outside of the regulatory authority of the Department and local licensing agencies due to being provided a specific exemption by statute (although some local licensing agencies regulate additional types of care other than those regulated by the department). Other types of care may fall outside of the regulatory authority of the Department due to not meeting the definition of “child care.” These types of care are considered to be **exempted** from licensure.

The following types of child care are provided specific statutory **exemption** from licensure:

- **After-School Programs Serving School-Age Children.** The Department is authorized in s. 402.305(1)(c), F.S. to adopt rules which distinguishes child care programs requiring licensure and after-school programs that do not require licensure. To be exempt from licensure, an after-school program serving school-age children must meet one of the following criteria and comply with minimum background screening requirements¹³:
 1. Programs on School Sites. The program is located on a public/nonpublic school site; and: 1) Is operated and staff directly by that school or through a written or formal agreement between the school (or school district, when the latter reserves authority for such agreements) and a provider which names the school/school district as the responsible party for the operation of the program. A lease for space or user agreement, with or without the endorsement of the program by the school/school district, does not meet the formal agreement requirements. 2) Serves only school-age children attending the school day. The program may provide service during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district’s academic calendar year. 3) Follows the standards set forth by the Florida Building Code State Requirements for Public

¹¹ Section 402.302(8), F.S.

¹² Section 402.302(11), F.S.

¹³ 65C-22.008(3), F.A.C.

Educational Facilities pursuant to Section 402.305(5), F.S. programs operated in public school facilities, regardless of the operator.¹⁴

2. Open Access Programs. The program is not designated as a Gold Seal Quality Care provider and meets all of the following criteria: 1) Operate/Serves children for less than four hours per day; however, the program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school districts' official academic calendar year; 2) Does not advertise or otherwise represent that the program is an afterschool child care program or that the program offers supervision; 3) Allows children to enter and leave the program at any time, without permission, prior arrangements, or supervision, and the program does not assume responsibility for supervision; 4) Do not provide transportation, directly or through a contract agreement with an outside entity, during the hours of operation for the purpose of field trips; 5) Does not serve or prepare any meals except those provided through the USDA Afterschool Meal Program (AMP) administered by the Department of Health pursuant to Section 402.305(1)(c), F.S. Programs not participating in the AMP may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration; and 6) Does not contract to deliver the school readiness program pursuant to Section 1002.88, F.S.¹⁵
3. The program is not designated as a Gold Seal Quality Care provider and provides child care exclusively for children in grades six and above.¹⁶
4. Instructional/Tutorial Programs. The program is not designated as a Gold Seal Quality Care provider and has a single instructional/tutorial purpose and that purpose is the only service that the program provides. Some examples of these programs include, but are not limited to, tutoring; a computer class; a ballet class; a karate class; baseball instruction or other sport; the program cannot provide any service beyond the instructional and tutorial/academic activity; and: 1) Does not cater, serve or prepare meals. The program may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration; 2) Does not advertise or otherwise represent that the program has attributes of child care, as defined in Section 402.302(1), F.S.; 3) Enrollment information shall clearly define the duration of the instructional sessions. Session time may not exceed two hours. If tutoring is provided in multiple academic areas, the total combined session times cannot exceed three hours per day; 4) Does not contract to deliver a school readiness program pursuant to Section 1002.88, F.S.; and 5) Does not provide transportation, directly or through a contract or agreement with an outside entity, during the hours of operation for the purpose of field trips.¹⁷
5. Membership Organizations (ie: Boys and Girls Clubs, YMCA, PALS, etc.). Any program that is not designated as a Gold Seal Quality Care provider and is providing care for school aged children that is operated by, or in affiliation with a national membership non-profit or not for profit organization that certifies membership organizations, as of February 1, 2017, in at least ten states, that was created for the purpose of 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, that charges a membership fee for children and may receive grant funding for services. Such is certified by its national association as complying

¹⁴ 65C-22.008(3)(a), F.A.C.

¹⁵ 65C-22.008(3)(c), F.A.C.

¹⁶ 65C-22.008(3)(e), F.A.C.

¹⁷ 65C-22.008(3)(b), F.A.C.

with the association’s purposes, procedures, minimum standards and mandatory requirements for all of its before school, after school or out-of-school time programs. The program must notify the Department prior to operating and annually, thereafter, of any operation of before school, after school or out-of-school time programs, provide verification of certification and good standing by its national association for all of its before school, after school or out of school time programs, and complete an annual attestation for compliance with background screening requirements. Failure by a program to comply with such reporting, providing required verifications, and screening requirements shall result in the loss of the program’s exemption from licensure.¹⁸

- Religious Exempt Programs.** In order to qualify for a religious exemption from licensure, a child care facility must be: 1) An integral part of church or parochial school conducting regularly scheduled classes, courses of study, or educational programs, and 2) Be accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation.¹⁹
- Certain Public School-Based Programs.** The following school-based programs for children, pursuant to s.402.3025(1), F.S., are not subject to licensure: 1) Programs for children in five-year-old kindergarten and grades one or above; 2) Programs for children who are at least three, but not yet five 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; and 3) Programs for children under three years of age who are eligible for participation in the programs under the existing or successor provisions of the Individuals with Disabilities Education Act (IDEA), 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.²⁰ A school-based program may choose to be licensed.
- Certain Non-Public School-Based Programs.** The following child care programs operated in non-public schools, pursuant to s.402.3025(2), F.S., are not considered child care and are not subject to the provisions of ss. 402.301 – 402.319: 1) Programs for children in five-year-old kindergarten and grades one or above; or 2) Programs for children who are at least three years of age, but under five years of age (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 five 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). Although exempt from licensure, those non-public school programs that serve children who are at least three, but not yet five years of age, are required to substantially comply with the minimum child care standards of ss. 402.305-402.3057, F.S.²¹ The Department or local



Important Information!

Public school programs operated and staffed directly by the school are not required to be operated and staffed solely by the public school to qualify for exemption from licensure. As long as the public school accepts responsibility for ensuring state educational standards are met, the school has final authority over the operation.
<http://ccrain.fl-dcf.org/documents/5/2967.pdf#page=1>



Important Information!

In order for a non-public school to fall into this category, it must annually register with the Florida Department of Education (DOE). To view a list of private schools by county that have registered with DOE, visit:
<http://www.fldoe.org/schools/school-choice/private-schools/>

¹⁸ 65C-22.008(3)(d), F.A.C.

¹⁹ Section 402.316(1), F.S.

²⁰ Section 402.3025(1)(a), F.S.

²¹ Section 402.3025(2)(d)1., F.S.

licensing agency is required to enforce compliance with these standards.

- **Summer 24-hour Camps.** Summer camps having children in full-time residence are excluded from the definition of a child care facility and therefore is not subject to licensure.²² "Summer 24-hour camp" means "recreational, educational, and other enrichment programs operated on a 24-hour basis during summer vacation for children who are five years of age on or before September 1 and older, that are not exclusively educational."²³
- **Summer Day Camps.** Summer day camps are excluded from the definition of a child care facility and therefore is not subject to licensure.²⁴ "Summer day camp" means a "recreational, educational, or other enrichment programs operated during summer vacations for children who are five years of age on or before September 1 and older."²⁵ This means that a summer day camp may serve four-year old children who will turn five years old by September 1 of the school year, but if they serve children younger than this, they must become licensed as a child care facility.
- **Vacation Bible Schools.** Bible schools normally conducted during vacation periods are excluded from the definition of a child care facility and therefore is not subject to licensure.²⁶
- **Transient Establishments.** "Transient establishment" means any public lodging establishment, such as a hotel or vacation resort, that is "rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary."²⁷ Operators of transient establishments 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, are excluded from the definition of a child care facility and therefore is not subject to licensure.²⁸ *Employees at the hotel cannot use this child care arrangement for their own children since it is intended only for use by temporary guests.*
- Babysitting services provided at recreational facilities where parents do not pay for the services (rather it is benefit of their gym membership) and remain on the premises for the purpose of directly participating and are immediately available to meet the needs of their child(ren), e.g., racquet clubs, spas, bowling alleys, or other types of gyms or fitness centers.
- Non-custodial in-home care that is provided by a nanny, au pair, babysitter, or relative caregiver for children of the same family, in the child's own home, is excluded from licensure/registration since it does not meet the statutory definition of "child care."

Additional information on determining if a particular child care program is regulated by the Department or falls under one of these "exclusions" or "exemptions" is provided in **Chapter 2: Licensure, Chapter 3: Registration, and Chapter 16: Religious Exemption.**

Roles and Responsibilities of Licensing Staff

In addition to conducting regulatory activities, child care licensing staff also provide guidance and technical assistance to existing and potential child care providers. Because the roles and responsibilities of child care licensing staff are ever-changing as new situations arise, the following

²² Section 402.302(2)(b), F.S.

²³ Section 409.175(2)(p), F.S.

²⁴ Section 402.302(2)(c), F.S.

²⁵ Section 409.175(2)(o), F.S.

²⁶ Section 402.302(2)(d), F.S.

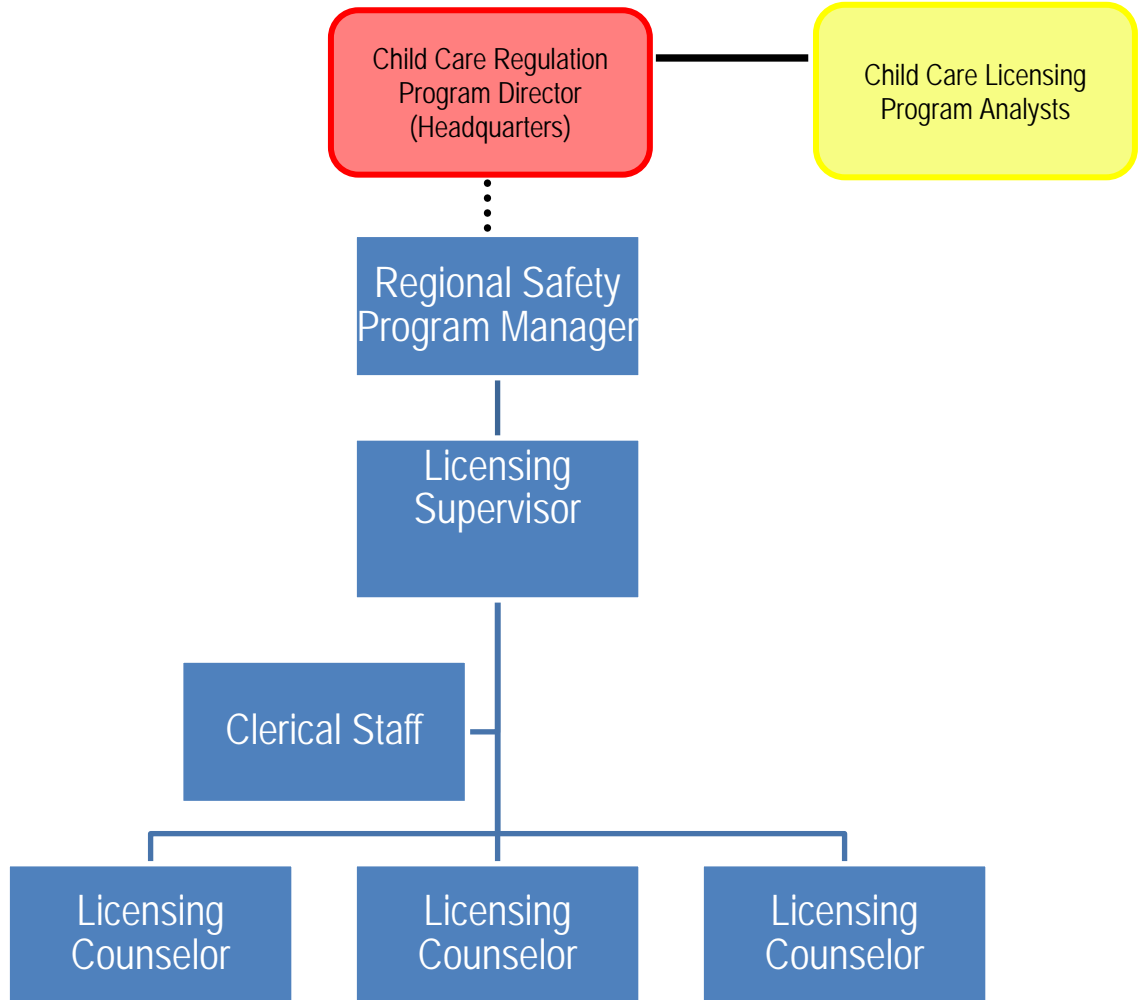
²⁷ Section 509.013(11), F.S.

²⁸ Section 402.302(2)(e), F.S.

information is intended to serve as a general guide, rather than concrete requirements. Each region has the authority to determine which position classifications will be utilized for child care licensing staff and where the child care licensing function will be placed within its administrative structure.

Child Care Regulation Program Hierarchy

The following is a description of the hierarchy (or “chain-of-command”) of the Child Care Regulation Program (unless your regional administration has determined otherwise). Although the Child Care Program Office has programmatic oversight over child care licensing, these offices report operationally to regional administration.



Position Descriptions

The following are general descriptions of the roles and responsibilities of child care licensing staff:

Program Office/Headquarters Staff

Headquarters/Program Office staff (including out-posted positions) include the Child Care Regulation Program Director, staff of the Policy and Operational Support Units, and Program Analyst staff. In order to ensure consistency, the Policy Unit is responsible for providing clarification on issues pertaining to both statewide and local application (including providing interpretations of statute, rule, and legislation and obtaining legal opinions from the Office of the General Counsel). Headquarters provides guidance and technical assistance to each of the five regions by telephone, during on-site visits, through written correspondence, and through the annual statewide meeting. The primary role of the Program Analysts is to assist and provide support to the regions in the performance of their regulatory functions.

Regional Safety Program Manager

The Regional Safety Program Manager is responsible for providing oversight and expertise at the regional level for all areas of the Child Care Regulation Program. The Regional Safety Program Manager is responsible for analyzing and identifying the strengths and weaknesses of the regional licensing program, developing and implementing strategies and procedures to improve those aspects of the regional licensing program identified as operating below program standards, and implementing statutes, administrative rules, and policies that affect the Child Care Regulation Program. The Regional Safety Program Manager is usually the primary contact for Headquarters staff.

Licensing Supervisors (Family Services Supervisors)

The licensing supervisor is responsible for supervising and directing the day-to-day functions of the child care licensing office (including the supervision of licensing counselors, clerical staff, and any other staff designated by the regional administration). The supervisor is responsible for being knowledgeable with regard to all aspects of the licensing counselor's responsibilities and all applicable statutes and administrative rules in order to ensure compliance. The licensing supervisor is expected to be available to their staff for consultation on those issues that are unique or that require additional expertise. Finally, the licensing supervisor is responsible for ensuring that the Regional Safety Program Manager is kept informed of issues that may be elevated to his or her level of responsibility.

Licensing Counselors (Family Services Counselors)

The licensing counselor is the authorized agent of the Department responsible for performing the day-to-day regulatory activities of the Child Care Regulation Program. The duties of the licensing counselor are many and varied and include (but are not limited to): serving as a technical advisor/consultant to prospective and existing child care providers, ensuring compliance with licensing standards by conducting regular inspections and those resulting from a complaint, and handling those inquiries not completed at the clerical level. Each licensing counselor is expected to be fully familiar with those laws (state and federal), administrative rules, and policies that affect the Child Care Regulation Program (described in this chapter). The licensing counselor will often be required to coordinate and collaborate with staff of other programs within the Department and with staff of other agencies that have regulatory authority relating to child care providers. Examples of this include environmental health issues, inspections by community health nurses, fire inspections, resource and referral functions, background screening, and complaint referrals

and investigations. The licensing counselor is responsible for maintaining a complete and accurate file for each licensed child care facility and family day care home (registered or licensed) assigned to his or her caseload. Finally, it is the responsibility of each child care licensing counselor to inform his or her supervisor in a timely manner of any issue that may be elevated to their level of responsibility.

Clerical Staff

Clerical staff employed by the licensing office are often assigned responsibility for the following important administrative functions: providing basic information to potential child care providers, receiving complaints, maintaining various tracking logs (background screening, pending applications, complaint logs), and mailing 90-day renewal packets to child care providers.

Professionalism

It is the policy of the Child Care Program Office that employees of Child Care Licensing shall maintain professionalism and avoid the appearance of impropriety at all times while acting in their official professional capacity. Child Care Licensing employees may not be directly assigned to or involved with persons of personal interest, such as relatives by blood or marriage, close or personal friends and neighbors, or fellow Child Care Licensing employees. The appearance of impropriety may include, but not be limited to, providing services, completing inspections, issuing and administering licenses, registrations and religious exemptions, or issuing Administrative actions to persons of personal interest.

Employees are to notify their supervisor immediately upon discovering they have a conflict of personal interest. Upon notification, the Supervisor will take appropriate action to reassign the person of conflict to another employee. Any exceptions to this policy must be submitted to the Regional Safety Program Manager in writing for review and approval. Employees taking action or involving themselves directly in providers of personal interest or who fail to notify their supervisor of their conflict timely may be subject to disciplinary action as supported by the Human Resources staff and policies.

In addition to the requirements above, all employees must complete and comply with Ethics training as required by the Department. As an added measure, and whenever possible, employee caseloads will be rotated on a regular cycle, approximately every 3 years, to prevent familiarity and preference between Child Care Licensing staff and the provider. (See Child Care Policy Memo, [Child Care Licensure Staff/Provider Personal Interest Policy](#), January 24, 2012)

Relationships with Other Programs/Agencies

Additional agencies besides the Department and additional programs within the Department play a role in the regulation of child care providers. This requires coordination, and sometimes collaboration, between the various agencies and programs. The Department is required by statute to coordinate all inspections of child care facilities. A child care facility is not permitted 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.²⁹ In addition, the Department and local

²⁹ Section 402.308(3)(c), F.S.

governmental agencies that license child care facilities are required by statute to develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities.³⁰

Medical Inspections

In some counties, a DOH community health nurse may conduct medical inspections of child care facilities or homes to ensure compliance with requirements relating to children’s health/immunization records and the labeling, storage, and dispensing of medications (in facilities only). If the nurse’s inspection report does not document the completion of corrective action relating to any violations, the licensing counselor must follow up to ensure compliance. In most areas of the state, child care licensing counselors must complete these items on the Inspection Checklist.

Fire Safety Inspections

Each licensed child care facility³¹ and large family child care home³² is required to have an approved fire safety inspection annually prior to initial licensure or license renewal (however, school-age programs may be granted an exemption from this requirement³³). The local county, city, or municipality is responsible for ensuring compliance with fire safety inspections either directly or by contracting with a private entity. Fire safety inspections must be conducted by a certified fire safety inspector. Fire safety standards for licensed child care facilities and large family child care homes are established by the Fire Prevention Bureau of the Office of the State Fire Marshal and can be found in Chapter 69A-36, F.A.C. (Uniform Fire Safety Standards for Non-Residential Child Care Facilities). The fact that Chapter 69A-36, F.A.C., is a “uniform code” means that it may not be altered or superseded by any local authority (city, county, or fire district).

However, if the child care facility is operated in a public school, the Department is required to use the Public School Fire Code, provided in the rules of the State Board of Education, as the minimum standard for fire safety.³⁴ In these instances, fire safety inspections are usually conducted by a school district fire inspector rather than an employee of the city or municipal fire department.

Sometimes it may be necessary or expedient to work with the local fire authorities to ensure that fire inspections are completed in a timely manner. Providing annual renewal lists, if requested, is one way to facilitate this process.



Look for...

The original copy of a school's fire inspection report is maintained at the county school board office; however, a copy is usually maintained at the school site. Either one of these is sufficient to meet the fire inspection requirement.

³⁰ Section 402.3115, F.S.

³¹ Section 402.305(1)(b) and (7)(b), F.S., 65C-22.001(6), F.A.C., and Section 3.8 Facility Handbook

³² Section 402.3131(8), F.S., 65C-20.008(6), F.A.C., and Section 7.11 C FDCH/LFCCH Handbook

³³ 65C-22.008(4), F.A.C, and Section 3.6.2. School Age Handbook

³⁴ Section 402.305(1)(b), F.S.

Building and Zoning

Building and zoning issues can present serious obstacles requiring significant time and expense to overcome. Although building and zoning regulation is not a function of child care licensing, it is to the licensing counselor's benefit to direct an applicant to the appropriate building and zoning authorities. It is the responsibility of the applicant to resolve any building/zoning issues. As part of the application process providers must submit approval from local zoning government entity or an attestation acknowledging their responsibility to comply with zoning-building code as well as home owner's associations and/or landlord as applicable.



Look for...

After licensure, be watchful for remodeling or renovation activities and check for posted building permits. Determine if such activity affects the safety or capacity of the child care program.

Occupational Licenses

Some counties, cities, and municipalities require that child care providers (including child care centers and family day care homes) obtain an occupational license. In cases where a child care facility or family day care home is within a municipality, it is not uncommon for two occupational licenses to be required - one for the city, and one for the county. No county or municipality may issue an occupational license without first ensuring that the applicant has been issued a state license to operate that specific child care facility.³⁵ Although an occupational license is not a requirement for child care licensure and is not enforced by the Child Care Regulation Program, child care providers often ask their licensing counselor for technical assistance in this area. It is the role of the child care licensing unit to furnish documentation to the agency(s) responsible for issuing occupational licenses, upon request.



Recommended practice...

Know the occupational license requirements for your area and provide guidance to child care providers regarding the requirements and contacts within the appropriate licensing authorities.

Background Screening

Background screening of child care providers (owners, operators, household members, employees, volunteers, and substitutes) are conducted by regional background screening units, which are responsible for the background screening of caretakers who work with children, the developmentally disabled and vulnerable adults. Background screening procedures are established by CFOP 60-19, which delineates the duties of the background screening unit, the child care licensing unit, and individual caregivers and their employers. For more information, refer to **Chapter 6: Background Screening**.

Foster Care

A small number of family day care homes (licensed or registered) are dually licensed as child care providers and as foster care providers.³⁶ Coordination and communication between the two programs (child care and foster care) is crucial for the safety of children in care. Each region is required to develop communication procedures/protocols to ensure that file information, screening results, inspection results, and inspection schedules are shared between the two responsible programs. (See Child Care Policy Memo, ["Dual Licensure of Foster Homes and Family Day Care Homes"](#), June 25, 2003).

³⁵ Section 402.308(5), F.S.

³⁶ Section 409.175 F.S.

Complaints regarding a dually-licensed provider are to be conducted jointly by staff of the community-based care lead agency and the child care licensing unit. Inspections of registered family day care homes that are dually licensed are conducted by staff of the community-based care lead agency. Complaints regarding capacity and background screening will be investigated by child care licensing staff.

Note: The capacity of a family day care home will be impacted by the decision to become dually-licensed. For more information regarding the capacity of dually-licensed homes, refer to **Chapter 7: Capacity**.

Child Abuse and Neglect Investigations

Although the local Child Protective Investigation Office has primary responsibility for conducting investigations of reported child abuse and/or neglect, they will collaborate with the Child Care Licensing Unit when conducting investigations involving child care personnel.³⁷ For more detailed information regarding the relationship between these two offices, including specific roles and responsibilities, refer to **Chapter 8: Child Abuse and Neglect**.

Voluntary Prekindergarten Program (VPK)

A constitutional amendment passed by Florida's voters in November 2002 required a voluntary prekindergarten program for all four-year-old children to prepare them for kindergarten and future educational success. The program was implemented in the fall of 2005 and allowed eligible public, private, and faith-based providers to deliver the program to participating children.

The Florida Statute that governs VPK requires coordination by VPK entities (Early Learning Coalitions, the Agency for Workforce Innovation, and the Department of Education) and the Child Care Regulation Program in an effort to minimize interagency duplication of activities for monitoring. Private prekindergarten providers must meet the requirements of the VPK program under Chapter 1002, F.S., and licensure requirements under Chapter 402, F.S, which also includes meeting background screening and training requirements specified in the child care statutes. As such, the Child Care Regulation Program plays an integral role in providing support to the VPK program, from the beginning stages of licensing of a VPK provider, to continual monitoring and maintenance of a database embedded within the Child Care Licensing Application (a component of the Child Care Information System) to capture provider profile information in compliance with VPK standards.

School Readiness (SR)

In Florida the Office of Early Learning (OEL) is the lead agency for the federal funding and are responsible for administering the SR program. The OEL works with the Redlands Christian Migrant Association (RCMA) and 30 Early Learning Coalitions (ELC) throughout the state who implement the program on a local level for providers that wish to participate. In partnership with the OEL the Office of Child Care Regulation (OCCR) entered into an agreement to inspect SR standards and channel that information to the ELC for the purposes of awarding the SR contracts to providers. This partnership was established because OCCR has the existing infrastructure and equipment to conduct monitoring inspections and licensing counselors are considered the 'experts' with regards to health and safety. The agreement includes an annual SR inspection for each provider participating in the SR program, any follow-up re-inspections and complaint inspections as necessary. The SR program rule 6M-4.620, F.A.C. and the corresponding [Health and Safety Checklists](#) are employed during these inspections.

³⁷ Section 39.302, F.S.

USDA Food Program

The Child Care Food Program provides reimbursement for nutritious meals and snacks served to children in child care settings. This program is funded by the U.S. Department of Agriculture and is administered in Florida by the Department of Health, Bureau of Child Care Food Programs. The food program relies on the Department's determination of licensure and inspection reports to confirm a program's compliance with basic food safety standards. In partnership with DOH the Department investigates complaint allegations relevant to catered food compliance for programs that are receiving federal funding.

Local Licensing

Certain counties have decided - either by statute or by the adoption of a local ordinance or resolution - to designate a local licensing authority to regulate child care providers in their area.³⁸ The following counties have elected to exercise this option:

Broward
Hillsborough
Palm Beach
Pinellas
Sarasota

Local licensing agencies may use the same or different procedures to implement local licensing standards, which must have been determined by the state to meet or exceed the state's minimum licensing standards. Three of the five local licensing agencies have designated the local County Health Department as the licensing authority. Broward and Hillsborough counties have designated other agencies as the local licensing authority.

The Department has the following responsibilities with regard to local licensing:

- **Ensuring that the local standards meet or exceed the state's standards through annual review of each of the local licensing agency's "intent to continue licensure"³⁹ and periodic Departmental monitoring.** The statement of intent to continue licensure must include any revisions to licensing standards that have been adopted since the previous statement, be signed by the appropriate county authority annually, and submitted to the regional licensing unit. The Department will provide written approval to the local licensing authority within 60 days of receipt of the request for renewal of licensing authority. These responsibilities are assigned to regional staff.
- Providing technical assistance by communicating revisions to the state's licensing standards, assisting with statutory or policy interpretations, and soliciting input on child care licensing issues that impact local licensing.
- Providing technical assistance to enable the local licensing agency to utilize the Child Care Information Systems (CCIS) which is comprised of the Childcare Administration, Regulation and Enforcement System (CARES) and the Child Care Training Application (CCTA).

³⁸ Section 402.306, F.S.

³⁹ Section 402.307, F.S.

Licensing Regulations


The legal authority for the Department’s regulatory activities is tiered. The “highest” tier is Federal Law/Regulations, which supersede any conflicting provision in the following tiers (listed in descending order): Florida Law (statute), the Florida Administrative Code (rules), and Department of Children and Families operating procedures and policies.

Sections 402.26 – 402.319, Florida Statutes, provide both general and specific guidance regarding the regulation of child care providers. For those areas where the statutory guidance is general in nature, statute often gives the Department authority to develop rules establishing more specific guidance in those areas. At the next level, Department operating procedures and policies provide even more detailed guidance regarding the implementation of statutes and rules, but (unlike statutes and rules) this guidance does not have the force of law.

Federal Law

Federal law governs some of the administrative functions of the Child Care Regulation Program (for example, access to protected information and services for individuals with disabilities). Other federal programs are peripheral to child care licensure activities – meaning that the Child Care Regulation Program is not responsible for administering the programs, but they may affect the providers we regulate (for example, the Food Program and the Individuals with Disabilities Education Act).

- 7 CFR, Chapter II, Part 226 – **The Child and Adult Care Food Program (CACFP)** is administered at the Federal level by the U.S. Department of Agriculture and at the state level by the Department of Education (school-based programs) and the Department of Health (child care). In 2004, the CACFP was expanded to allow the participation by for-profit child care centers and family day care homes.

 Additional Resources	
The Food Program: Providers may ask for information regarding how to participate in the Food Program. Refer them to:	
Florida CACFP State Director (Child Care)	Florida School Lunch Program Administrator
Bureau of Child Nutrition Programs	Food and Nutrition Management Section
Florida Department of Health	Florida Department of Education

- 45 CFR, Parts 98 and 99 – **The Child Care and Development Fund (CCDF)** governs those child care providers who receive federal funding through the school readiness program. The CCDF Act is administered at the federal level by the Child Care Bureau, within the U.S. Department of Health and Human Services and at the state level by the Office of Early Learning within the Agency for Workforce Innovation.




Additional Resources

CCDF: Visit <http://www.floridaearlylearning.com/> for additional information on the CCDF law and Florida's CCDF-funded programs or to obtain contact information for your local Early Learning Coalition.

- 34 CFR, Parts 300 and 301 – **The Individuals with Disabilities Education Improvement Act of 2004 (IDEA)**, which is administered by the U.S. Department of Education, governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities and insures services to children with disabilities. Infants and toddlers with disabilities (ages birth through two) and their families receive early intervention services under IDEA Part C. Children and youth (ages three through 21) receive special education and related services under IDEA Part B. According to state law, it is the policy of the state to encourage child care providers to serve children with disabilities. The Child Care Regulation Program is required by the same statute to provide technical assistance to providers and parents in order to facilitate serving children with disabilities.⁴⁰

⁴⁰ Section 402.301(7), F.S.

Additional Resources




The Individuals with Disabilities Education Improvement Act (IDEA): Parents and providers may ask for help determining if a child with special needs is receiving appropriate education and services. This is the responsibility of the local education. If the local school district is unable or unwilling to provide appropriate education and services, parents may require additional help. The Office of Special Education Programs within the U.S. Department of Education is responsible for monitoring state and local compliance with IDEA and they provide customer service representatives who help resolve such problems. The contacts for Florida are:

Customer Service	(202) 245-7572
Part B (For children ages 3-21)	(202) 245-7349
Part C (For children ages birth-2)	(202) 245-7447

The National Dissemination Center for Children with Disabilities provides information to help parents and providers locate local organizations and agencies that address disability-related issues. Contact the Dissemination Center at (800) 695-0285 or by email at nichcy@aed.org, or visit their website at <http://www.nichcy.org/>.

- Title 42, Chapter 126 – **The Americans with Disabilities Act of 1990 (ADA)** prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. The ADA is administered at the federal level by the U.S. Department of Justice.

Additional Resources




The Americans with Disabilities Act (ADA): The licensing office may receive requests for ADA accommodations from prospective employees and child care providers. The district ADA Coordinator and the city or county building department are valuable resources for these inquiries. In addition, the Department provides online ADA training for Department employees.


Child care providers may also ask for additional information regarding how the ADA affects their business practices. For more information, visit www.ada.gov. The U.S. Department of Justice provides free ADA materials. Printed materials may be ordered by calling the ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD).

Complaints about disability-related employment discrimination should be directed to the Equal Employment Opportunity Commission at (800) 669-4000 (voice) or (800) 669-6820 (TTY). More information can be found at www.eeoc.gov.


- 45 CFR, Parts 1301-1311 – The **Head Start Program** serves the child development needs of preschool children (ages birth through five) and their low-income families, and is administered by the federal Head Start Office under the U.S. Administration for Children and Families. Head Start Programs are licensed by the Department, but must meet additional program requirements established by the Head Start Act.

Additional Resources	
	<p>The Head Start Program: For more information on the requirements of the Head Start Program, contact the Florida Head Start State Collaboration Office at (850) 488-7191 or go to http://www.floridaheadstart.org/</p>

- 29 CFR – The **Occupational Safety and Health Act of 1970 (OSHA)** is intended to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. OSHA provides workplace protections for employees of small businesses and establishes requirements for small business owners.


Additional Resources	
	<p>OSHA: Questions about the implications of OSHA for small business owners (child care providers) should be directed to the Office of Small Business Assistance at (202) 693-2220 or online at http://www.osha.gov/dcsp/compliance_assistance/index.html.</p>

- 45 CFR, Parts 160-162 – The “Privacy Rule” of the **Health Insurance Portability and Accountability Act of 1996 (HIPAA)** establishes standards for the use and disclosure of individually identifiable health information. Within the U.S. Department of Health and Human Services, the Office of Civil Rights is responsible for implementing and enforcing the Privacy Rule. HIPAA has implications for the type of information that is maintained by both child care providers and the Child Care Regulation Program.

Additional Resources	
	<p>HIPAA: For more information regarding the requirements of HIPAA, visit http://www.hhs.gov/ocr/hipaa/ or review the Department’s online HIPAA training available through the DCF intranet website.</p>

- 49 CFR, Parts 40 and 382 – The **Omnibus Transportation Employee Testing Act of 1991** establishes requirements for the drug and alcohol testing of drivers of commercial motor vehicles. The portion of these rules that apply to the child care industry (49 CFR, Part 382) is administered by the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation.


Additional Resources



Federal Drug and Alcohol Testing Requirements: For more information regarding the drug and alcohol testing requirements and who is affected by them, visit <http://www.fmcsa.dot.gov/rules-regulations/topics/drug/engtesting.htm>. Refer child care providers to the Office of Drug and Alcohol Program Compliance at (202)366-3784 for guidance regarding the implementation of required drug and alcohol testing.

- 45 CFR, Part 2552 – The **Foster Grandparent Program**, established by the Volunteer Service Act of 1973, provides opportunities for senior adults to volunteer in person-to-person service to children with exceptional needs, or in circumstances that limit children’s academic, social, or emotional development. The program is sponsored by the National Senior Service Corps, Corporation for National Service through regional public agencies or nonprofit organizations. Foster Grandparents may volunteer in large family day care homes and child care facilities.

Additional Resources



Foster Grandparent Program: For more information regarding the Foster Grandparent Program, visit <http://seniorcorps.gov/about/programs/fg.asp>.

Florida Statutes

For the most part, the Child Care Regulation Program and the child care providers it regulates are governed by sections 402.301 – 402.319, Florida Statutes. However, additional statutes also impact the enforcement of child care standards by the Child Care Regulation Program. It is the responsibility of child care licensing staff to be familiar with these statutes:

- Chapter 39, Florida Statutes, (Proceedings Relating to Children) provides requirements regarding abuse and neglect reporting, establishes procedures for abuse and neglect investigations, and addresses the authority of child care licensing staff to access information contained in the abuse registry.
- Chapter 119, Florida Statutes, (Public Records) provides guidelines regarding confidentiality of child care records.
- Chapter 120, Florida Statutes, (Administrative Procedures Act) establishes timelines relating to the processing of applications and governs child care enforcement and rule development activities.
- Chapter 125, Florida Statutes, (County Government) includes provisions relating to local zoning regulation of family day care homes.
- Chapter 166, Florida Statutes, (Municipalities) includes additional provisions relating to local zoning regulation of family day care homes.
- Chapter 196, Florida Statutes, (Tax Exemption) provisions relating to tax exemptions for child care facilities.

- Chapter 220, Florida Statutes, (Income Tax Code) includes information relating to child care tax credits for child care facilities.
- Chapter 285, Florida Statutes, (Indian Reservations and Affairs) references background screening in tribal child care programs.
- Chapter 381, Florida Statutes, (Public Health) includes provisions relating to Communicable Disease, Sewage Treatment & Disposal Systems, and Lead Poisoning Prevention.
- Chapter 386, Florida Statutes, (Clean Indoor Air Act) specifically references family day care homes.
- Chapter 409, Florida Statutes, (Social and Economic Assistance) provides requirements regarding the background screening of summer camp personnel.
- Chapter 411, Florida Statutes, (Early Childhood Assistance) applies to those child care providers that participate in the school readiness program (formerly known as the subsidized child care program).
- Chapter 435, Florida Statutes, (Employment Screening) governs the screening of child care personnel.
- Chapter 509, Florida Statutes, (Lodging and Food Service Establishments) specifically includes food service settings in child care centers.
- Chapter 624, Florida Statutes, (Insurance Code) includes additional information regarding child care tax credits.
- Chapter 627, Florida Statutes, (Insurance Rates and Contracts) includes provisions relating to family day care home insurance.
- Chapter 633, Florida Statutes, (Fire Prevention and Control) provides uniform fire safety standards for child care facilities.
- Chapter 775, Florida Statutes, (The Florida Sexual Predators Act) requires law enforcement to notify licensed day care centers of the presence of a sexual predator within one mile.
- Chapter 893, Florida Statutes, (Drug Abuse Prevention and Control) includes penalties for the commission of a drug trafficking offense within 1,000 feet of the real property comprising a child care facility.
- Chapter 943, Florida Statutes, (Department of Law Enforcement) includes provisions relating to the registration of sexual offenders.
- Chapter 945, Florida Statutes, (Department of Corrections) governs child care services provided by the Department of Corrections.
- Chapter 1002, Florida Statutes, (Department of Education) applies to those child care providers that participate in the VPK and/or SR program.
- Chapter 1004, Florida Statutes, (Community Colleges) provides for the establishment of child development training centers at community colleges.
- Chapter 1011, Florida Statutes, (University Budgeting) provides for the establishment of educational research centers for child development at universities.



Additional Resources

The Florida Statutes can be obtained online at www.leg.state.fl.us.

Florida Administrative Codes (Rules)

The next level of regulatory authority is the Florida Administrative Code (also referred to as “rules”). For the most part, child care rules are included in 65C-20, 22, and 25, Florida Administrative Code (F.A.C.); however, additional portions of the Florida Administrative Code also impact the Child Care Regulation Program and the child care providers we regulate:

- Chapter 64D-1, F.A.C. (Clean Indoor Air Act).
- Chapter 64D-3, F.A.C. (Control of Communicable Diseases).
- Chapter 64E-5, F.A.C. (Control of Radiation Hazards).
- Chapter 64E-6, F.A.C. (Standards for Onsite Sewage Treatment and Disposal Systems)
- Chapter 64E-8, F.A.C. (Drinking Water Systems).
- Chapter 64E-9, F.A.C. (Public Swimming Pools and Bathing Places).
- Chapter 64E-10, F.A.C. (Sanitation Facilities for Buildings Serving the Public and Places of Employment).
- Chapter 65C-13, F.A.C. (Foster Care).
- Chapter 69A-36, F.A.C. (Uniform Fire Safety Standards for Non-Residential Child Care Facilities).




Additional Resources

The Florida Administrative Code can be accessed online at <http://www.flrules.org/>

Department Operating Procedures/Policies

Unlike statutes and rules, this level of regulation does not apply to local licensing authorities. The following operating procedures affect the Child Care Regulation Program:

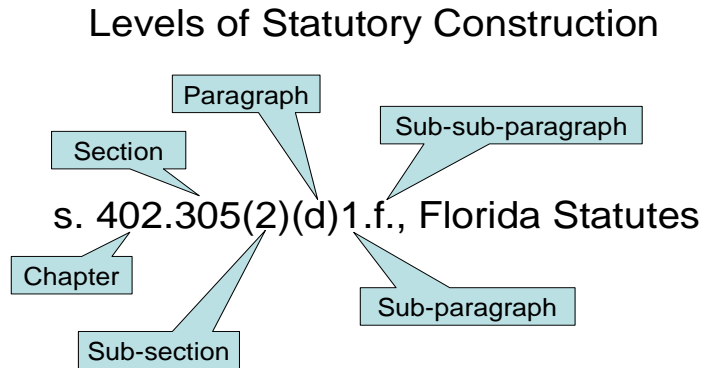
- CFOP 60-18, relating to exemption from disqualification based on background screening.
- CFOP 60-19, relating to caretaker screening.
- CFOP 15-4, relating to records management and retention.
- CFOP 175-21, relating to child abuse and neglect investigations.
- CFOP 175-91, relating to abuse and neglect clearance of informal child care providers. (In some districts, Child Care Staff has been given the responsibility for completing Central Abuse Hotline Records Search checks.)
- PDFS CFOP 170-20, Child Care Licensing Program Desk Reference Guide, relating to continued execution of the mission-essential functions of the Child Care Program in the event of an emergency.

	<h3>Additional Resources</h3>
<p>The Department's operating procedures can be accessed online at http://eww.dcf.state.fl.us/asg/Publications.shtml</p>	

Citing Statutes and Rules

Statutory Construction

Like levels of regulatory authority, the Florida Statutes and Florida Administrative Code have the following levels that range from less to more specific, as follows:



Follow these guidelines when referencing a statute or rule:

- When referencing the statutes, you can either use “F.S.” or “Florida Statutes” (choose depending on your audience and whether they will know what “F.S.” means).
- When a statute citation comes at the beginning of a sentence, spell the word “Section” out rather than using “s.” (For example, “Section 402.305, F.S., states that...”.) Alternatively, it is correct to reference a statute as follows: “Pursuant to s. 402.305, F.S.,...”
- Levels of specificity in statutory and rule references alternate between numbers and letters (see previous chart). When citing a statute, double-check to make sure that you haven’t mistakenly left out a level.
- Some programmatic requirements are included in “proviso language” in the General Appropriations Act (the state’s budget), rather than in statute. Reference proviso language as follows: General Appropriations Act (Performance Measures and Standards Appropriation).
- When a bill passes the Legislature and becomes a law, it is assigned a “Chapter Law” number. Sometimes a bill creates an un-numbered section of law that is effective for that year only and is never incorporated into statute. Sometimes the law will be assigned a statute number later by the Division of Statutory Revision. In either case, you will need to reference the Laws of Florida if the law has no statute number. Reference the Laws of Florida as follows: “ch. 2003-131, L.O.F.”

- Avoid referencing **only** the bill number once the legislative session has ended and final action has been taken on that piece of legislation. Doing so could lead to confusion as during the subsequent legislative session, another bill will be assigned this same number. If you want to include the bill number in a statutory reference, you may do so as: “s. 15, ch. 2004-269, L.O.F. (HB 1837)”

Examples of citations:

Correct

s. 402.3125, **F.S.**

Section 402.3125, **Florida Statutes**

s. 402.305(2)(**d**)1.a., F.S.

65C-22.001(4)(**a and b**), F.A.C.

65C-22.001(4)(**a**), (**b**), F.A.C.

65C-22.002(3)(**a through d**), F.A.C.

65C-22.002(3)(**a-d**), F.A.C.

s. 5, 2003-131, L.O.F.

s. 5, 2003-131, Laws of Florida

Incorrect

F.S. 402.3125

Florida Statutes 402.3125

s. 402.305(**2**)**1**.a., F.S.

65C-22.001(4)(**a and b**), F.A.C.

65C-22.001(4)(**a and b**), F.A.C.

65C-22.002(3)(**a through d**), F.A.C.

65C-22-002(3)(**a-d**), F.A.C.

Chapter 2: Licensing

Licensure Inquiries

When potential applicants make initial inquiries to the Child Care Regulation Program licensing office, they may not know if the services they intend to provide will be subject to licensure. Using the guidance provided in **Chapter 1: General Information**, encourage the potential provider to submit a Child Care Licensure Questionnaire to the Program office in Tallahassee for a review and a licensure determination. Licensure determination letters issued by the Program office are copied to the respective regional office for their records. If the program is deemed child care requiring a license to operate, progress through the steps included in this chapter.

Child care licensing units are responsible for providing information to members of the public who express an interest in becoming a child care provider. The initial contact by an interested party may be by phone, email, or visiting the licensing office in person. During this initial contact, staff responsible for this task (usually clerical staff) should help potential applicants with licensing questions and direct the applicant to the Child Care Program website for additional information. In some regions, the licensing counselor schedules a follow-up meeting to discuss the information in more detail and provide technical assistance, if needed.

The potential provider should be encouraged to contact the local zoning office and/or homeowner's association (family day care home and large home providers only) to determine if there are any restrictions that would be a barrier to moving forward. Although the operation of a family day care home is considered a valid residential use for zoning purposes, it may be prohibited by neighborhood covenants or deed restrictions.⁴¹ The Department does not have the authority to deny an application or reduce the capacity based on zoning or deed restrictions; however, the applicant may voluntarily request a lower capacity. If zoning prohibits the operation of a child care facility, the applicant should be advised that he or she may not be able to get an occupational license. The next step, which initiates the pre-licensure process, is the submission of an "Intent to Apply" form by the potential



Recommended practice...

Each licensing office is encouraged to keep prepared packets of information on hand to respond to provider inquiries that include:

- Applicable statutes, rules, and handbook
- Fact sheets/pamphlets
- A Guide to the Child Care Website
- A Provider Inquiry Fact Sheet
- An "Intent to Apply for a License to Operate a Child Care Facility" form



Recommended practice...

Ask providers to sign a statement attesting to the fact that they are aware there may be zoning or deed restrictions in their area.

⁴¹ Sections 125.0109 and 166.0445, F.S.

applicant. This next step is described in “The Initial Licensure Process.” To facilitate follow-up with potential child care providers and for statistical purposes, the licensing unit should maintain a dated log of the names, addresses, and phone numbers of these inquiries. It is recommended that a follow-up call be made one month after an initial license inquiry to determine the potential provider’s level of interest. The submission of the “Intent to Apply” form and the follow-up call are optional. Licensing counselors should follow regional policy on these two steps in the process.

Licensure Requirements

Every program determined to be subject to licensing must meet the applicable licensing standards established by ss. 402.301-.319, F.S., and rules adopted there under.

Child Care Facilities:	Section 402.305, F.S. 65C-22.001 and .010, F.A.C. Child Care Facility Handbook
School-Age Programs:	Section 402.305, F.S. 65C-22.008 and .010, F.A.C. School Age Facility Handbook
Urban Child Care Facilities:	Section 402.305, F.S. 65C-22.001 and .010, F.A.C. Child Care Facility Handbook
Evening Child Care	Section 402.305, F.S. 65C-22.007 and .010, F.A.C. Child Care Facility Handbook
Drop-In Child Care	Section 402.305, F.S. 65C-22.001 and .010, F.A.C. Child Care Facility Handbook
Mildly Ill Child Care	Section 402.305, F.S. 65C-25, F.A.C.
Family Day Care Homes:	Section 402.313, F.S. 65C-20.008 and .012, F.A.C. FDCH/LFCCH Handbook
Large Family Child Care Homes:	Section 402.3131, F.S. 65C-20.008 and .012, F.A.C. FDCH/LFCCH Handbook

These licensing standards are discussed in great detail in **Appendix B: “Guide to the Inspection”** which specifically addresses each item on the inspection checklist for each type of licensed provider. The following are *general* requirements for each type of licensed provider:

Child Care Facility

- A person under the age of 21 is prohibited from being the operator (owner or director) of a child care facility and a person under the age of 16 is prohibited from being employed at a child care facility unless he or she is under direct supervision and is not counted for the purpose of calculating the personnel-to-child ratio.⁴²
- The licensed capacity of a child care facility is based on indoor and outdoor square footage,⁴³ and other factors that are discussed in **Chapter 7: Capacity**.
- Persons who meet the definition of “child care personnel” are required to meet minimum standards for good moral character based upon screening. This screening shall be conducted as required in Chapter 435, using the Level 2 standards for screening set forth in that chapter (see **Chapter 6: Background Screening** for specific requirements and procedures).
- [Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337](#) must be signed annually by child care personnel.⁴⁴
- The owner, director, and all child care personnel must meet certain initial and in-service training requirements (see **Chapter 18: Training** for specific requirements).

Urban Child Care Facility

- In addition to the above requirements for a child care facility, the following requirements apply to urban child care facilities:
 - Prior to submitting an application for licensure, the applicant must obtain written documentation from the local governing body that confirms the geographical area has been declared urban.⁴⁵
 - The applicant must consult with the licensing staff to verify that the required outdoor play space does not exist or can't be made available. Urban designation cannot be granted if it is determined that outdoor play space is available. Outdoor play space is available if appropriate space is adjacent to the facility or can be reached by a route free of hazards within 1/8 mile of the facility.⁴⁶

Family Day Care Home

- Operators must be at least 18 years of age, provide care in their home, and may not work outside of the home during the hours of operation of the family day care home.⁴⁷
- Care cannot be provided for more than 10 children, including those younger than 13 years of age who are *related to* the operator. (See **Important Information** below) The capacity of the home is also limited by the number of children in each age group (see **Chapter 7: Capacity** and **Chapter 14: Ratio** for further information on calculating the capacity of a family day care home).⁴⁸

⁴² Section 402.305(2)(d), F.S.

⁴³ Section 402.305(6), F.S.

⁴⁴ 65C-22.001(6), F.A.C. and Section 7.4 Facility Handbook

⁴⁵ 65C-22.001(2), F.A.C.

⁴⁶ 65C-22.001(2), F.A.C.

⁴⁷ 65C-20.008(6), F.A.C. and Section 3.1 FDCH/LFCCH Handbook

⁴⁸ Section 402.302(8), F.S.



Important Information!

To be consistent with what is defined as a “relative” per other programs in the Department, such as the Relative Caregiver program and ESS guidelines we use the specified degree of relationship in [OP \(175-79\)](#). The following excerpt from [OP \(175-79\)](#) defines the degree of relationship: ...**within the fifth degree of specified relationship shown below:**

- Brothers, sisters (including those of half blood)
- Aunts, uncles, nieces, nephews
- Grandparents, great-grandparents
- First cousins (and 1st cousins once removed)
- Relatives of a father whose relationship must be determined by a non-judicial determination of paternal relationship
- Stepbrother or stepsister (Note: The parent of a stepparent is not a specified relative)
- The natural and other legally adopted children and other relative of the adopted parents, as long as they are within the specified degree.
- Legal spouses of any persons named in the above group even though the marriage terminated by death or divorce.
- Individuals of preceding generations as denoted by prefixes such as grand, great-grand, great-great-grand.

- Since care is provided in the home of the operator, adult members of the household are subject to Level 2 background screening requirements in order to ensure the safety of the children in care (see **Chapter 6: Background Screening** for specific requirements and procedures and renewal exceptions).⁴⁹ Juvenile household members must meet certain background screening requirements through the Florida Department of Law Enforcement (FDLE). Juveniles in this case are those children residing in the home that are between 12 and 18 years of age.

NOTE: Background screening requirements apply to all household members, including those who are handicapped and/or elderly. We understand that it getting prints for these individuals may be difficult for many reasons including transportation issues or because of an individual’s physical limitations. The background screening unit suggests using a mobile livescan vendor (if one is available) who can travel to the home and request that the vendor take two sets of prints during the scheduled appointment. The second set of prints will be on file if the first set of prints is rejected. The FBI will only complete a name search if the prints are rejected twice.

- Substitutes in a family day care home are subject to Level 2 background screening requirements.⁵⁰ If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute must comply with background screening requirements and the licensing authority must receive proof of background screening clearance prior to caring for children.⁵¹

⁴⁹ Section 402.313(3), F.S.

⁵⁰ 65C-20.008(6), F.A.C. and Section 4 FDCH/LFCCH Handbook

⁵¹ 65C-20.008(6), F.A.C. and Section 4 FDCH/LFCCH Handbook

- [Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337](#) must be signed annually by the operator and substitute⁵²
- The operator of a family day care home must meet certain initial and in-service training requirements (see **Chapter 18: Training** for specific requirements).⁵³

Large Family Child Care Home

- The operator must be at least 21 years of age, provide care in their home, and may not work outside of the home during the hours of operation of the family day care home.⁵⁴
- The provider must have operated as a licensed family day care home for two consecutive years and must have an active child development associate credential or its equivalent for at least one year.⁵⁵ The two consecutive years of operation as a licensed family day care home must have been within the five years of the date of the application to operate a large family child care home.⁵⁶
- Care cannot be provided for more than 12 children, including those younger than 13 years of age, who are *related to* the operator. (See **Important Information** above) The capacity of the home is also limited by the number of children in each age group (see **Chapter 7: Capacity** and **Chapter 14: Ratio** for further information on calculating the capacity of a large family child care home).⁵⁷
- Since care is provided in the home of the operator, adult members of the household must meet Level 2 background screening requirements in order to ensure the safety of the children in care (see **Chapter 6: Background Screening** for specific requirements).⁵⁸ Juvenile household members must meet certain background screening requirements through the Florida Department of Law Enforcement (FDLE). Juveniles in this case are those children residing in the home that are between 12 to 18 years of age.
- Substitutes in a large family day care home are subject to Level 2 background screening requirements. If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute must comply with background screening requirements and the licensing authority must receive proof of background screening clearance.⁵⁹
- [Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337](#) must be signed annually by the operator, employee, and substitute⁶⁰.
- Both the operator and the employee(s) of a large family child care home must meet certain initial and in-service training requirements (see **Chapter 18: Training** for specific requirements).⁶¹

⁵² 65C-20.008(6), F.A.C. and Section 4 FDCH/LFCCH Handbook

⁵³ 65C-20.008(6), F.A.C. and Section 3 FDCH/LFCCH Handbook

⁵⁴ Section 402.3131(1), F.S., 65C-20.008(6), F.A.C., and Section 2.1 FDCH/LFCCH Handbook

⁵⁵ Section 402.3131(1)(a), F.S.

⁵⁶ 65C-20.008(6), F.A.C., and Section 2.1 FDCH/LFCCH Handbook

⁵⁷ Section 402.302(11), F.S.

⁵⁸ Section 402.3131(2), F.S.

⁵⁹ 65C-20.008(6), F.A.C. and Section 4 FDCH/LFCCH Handbook

⁶⁰ 65C-20.008(6), F.A.C. and Section 4.3 FDCH/LFCCH Handbook

⁶¹ Section 402.3131(3),(4), (5), F.S., 65C-20.008(6), F.A.C., and Section 5 FDCH/LFCCH Handbook

- A large family child care home must have an additional employee at all times when children are in care, except when there is not a sufficient number of children for the home to operate as a large home.⁶²

The Initial Licensure Process

The following steps in the initial licensure process are separated into “Pre-Licensing Activities” (those that occur prior to the submission of an application) and “Licensing Activities” (those that occur after the submission of an application). Licensing counselors should encourage potential providers to use the Child Care Program website as a resource if they have access to a computer. Encourage the potential provider to view the video on the website “What You Need to Know About Opening a Child Care Facility” as well as review the “Basic Steps to Opening a Child Care Facility” and “Questions to Ask Yourself” prior to initiating the licensure process.

Pre-Licensing Activities

A significant amount of work takes place prior to the issuance of a license. During this phase, the role of the licensing counselor is one of consultant—providing information, listening and answering questions, and helping the applicant to explore his or her options. The event that initiates the pre-licensure process is the submission of an “Intent to Apply” form by a prospective child care provider.



Important Information!

Throughout and following the pre-licensing process, it is important to **document** all technical assistance that is provided so that the provider cannot say, “I didn’t know.” Have the provider sign a statement acknowledging receipt of materials or that certain topics were covered, or make a notation on the inspection checklist.

Submission of “Intent to Apply” Form

The submission of an “Intent to Apply” form is not a statutory requirement, but is a recommended practice in order to initiate the pre-licensing process without starting the 90-day time limit established by Chapter 120. This issue is discussed further in “License Processing Timeframes.” The “Intent to Apply” is a mechanism to encourage the provider to consider the types of services that will be offered by the child care program. It also provides the licensing office with information that will assist with the provision of more in-depth technical assistance.

Once the potential applicant submits the “Intent to Apply” form, the licensing supervisor will assign the applicant to a licensing counselor who will initiate a “pending” file. The counselor will then contact the applicant by phone to determine the status of his or her plans, anticipated timeframes, the depth of the potential provider’s knowledge, and technical assistance needs. At this time, the licensing counselor may also arrange for a face-to-face meeting in which in-depth technical assistance will be provided and questions answered.

⁶² 65C-20.008(6), F.A.C. and Section 3.3 FDCH/LFCCH Handbook

Initial Technical Assistance Meeting

The purpose of the initial technical assistance meeting is to give providers the information necessary to evaluate their options, make important decisions regarding the types of services they intend to offer, and to help self-identify any deficiencies. The extent and depth of the technical assistance provided during pre-licensure will depend on the potential provider's knowledge and experience.

Potential applicants should already have copies of the law, administrative codes (rules), brochures, and fact sheets, which were mailed in response to their initial inquiry or they may have obtained this information from the Child Care Program website. They should bring these materials with them to the initial technical assistance meeting. If the potential provider is applying for a license to operate a facility or a large home, he or she should also bring a floor plan (which may be a rough sketch). Since the capacity of a licensed family day care home is not dependent upon square footage, a floor plan is not necessary. During the initial face-to-face meeting - which can take place at either the licensing office or the proposed child care facility - the following should be discussed:

- **Applicable licensing standards.** Depending on whether the potential applicant intends to operate a child care facility, family day care home, or large family child care home, discuss the applicable provisions of ss. 402.301-319, Florida Statutes, and Chapter 65C-20 or 65C-22, Florida Administrative Code. Provide a broad overview of the licensure requirements. More in-depth and concrete information can be provided during the on-site consultation.
- **Required approvals from other agencies, as applicable.** Discuss requirements for fire safety approvals (child care facilities and large family child care homes).⁶³ Is the water source for the facility/home a well? If so, the well must be permitted by either the Department of Health (DOH) or the Department of Environmental Protection (DEP) and the water will need to be tested.⁶⁴ Also, child care facilities that have a well system must maintain written records of a current well permit indicating the well system meets the requirements of the DOH or DEP on an annual basis.⁶⁵ In addition, the capacity of the facility/large home may be limited by certain environmental health issues (septic system limitations, etc.). At the appropriate time, the counselor may assist in coordinating an on-site consultation with representatives of the State Fire Marshal; however, it is the applicant's responsibility to furnish this approval.

Section 404.056, F.S. requires licensed child care facilities in certain counties to be for indoor radon levels. To view which counties require radon testing, visit <http://www.doh.state.fl.us/environment/community/radon/doitest.htm>. These tests are to be conducted in accordance with the statutory guidelines and the results reported to the Department of Health. DCF licensing staff are to inform providers of this requirement and document the date and what information was provided regarding the radon testing requirement.



Recommended practice...

The provider should be advised to contact zoning and schedule a fire inspection as soon as possible if they have not already done so. In some areas, if a home-based child care provider is utilizing a mobile home, additional inspections may be required. Provide contact information for each agency.

⁶³ Section 402.305(1), F.S., Section 402.3131(8), F.S., 65C-22.001(6) F.A.C, Section 3.8.2, Facility Handbook, 65C-20.008(6) , F.A.C., and Section 7.11 FDCH/LFCCH Handbook

⁶⁴ 64E-8, F.A.C.

⁶⁵ 65C-22.001(6), F.A.C.

As previously mentioned, the Department does not have the authority to enforce zoning laws. It is the responsibility of the applicant to obtain zoning approval from the appropriate local authority as soon as possible, as the inability to obtain this approval may prevent the applicant from obtaining an occupational license. If technical assistance efforts fail, a license to operate a child care facility or home shall be issued to all who qualify, with or without zoning approval. Work closely with the local zoning authority and contact Headquarters for assistance with zoning issues. If the applicant is seeking designation as an Urban Child Care Facility, discuss the requirement for written documentation from the local governing body that confirms the geographical area has been declared “urban”.⁶⁶


- **Physical location and address.** Discuss the requirement of issuing a license to one, specific physical location and address as determined by the local zoning authority. If a facility plans to use more than one physical building with a different address or space within a building with a different address, a separate license, meeting all of the licensing requirements may be needed - unless the facility submits a safety plan that is satisfactory to the licensing unit that addressed the operation of the program in these multiple areas and how the children in care will be adequately supervised during outside transitions from building-to-building.
- **Physical facility suggestions.** Discuss dining areas, indoor activity areas, multiple purpose rooms, outdoor play space, square footage, etc. Review the floor plan of the facility or large home to discuss any changes to the layout that are being contemplated by the applicant and how they can potentially affect capacity. If the child care facility is new construction, encourage the provider to consult with the licensing office as early as possible regarding the layout, as decisions regarding placement of walls, classroom size, and placement of fixed cabinetry/room dividers can significantly impact capacity and/or the ability of staff to directly supervise the children in care. If the applicant is seeking designation as an Urban Child Care Facility, discuss the verification of lack of outdoor play space as required by the licensing authority.⁶⁷
- **Health and safety.** The initial technical assistance meeting is the first of many opportunities to cover important information regarding issues crucial to the health and safety of the children in care. Does the provider intend to serve infants? If so, discuss requirements relating to diaper changing facilities. Does the provider intend to provide transportation? If so, discuss transportation-related safety issues. Does the home or facility have a pool or other water hazard? If so, discuss water safety. If a facility has a pool, it must meet the requirements for public swimming pools and be approved for use by the Department of Health. It must also meet fencing requirements. What type of food service does the provider intend to provide?
- **Background screening requirements.** Initiate the background screening process early as compliance with background screening requirements is a prerequisite to licensure. (see **Chapter 6: Background Screening** for details regarding roles, processes, and background screening requirements).
- **Credential and training requirements.** Determine whether or not the potential applicant has completed the required training and possesses the required credential, if applicable. Prior to licensure, a facility must have a director that has obtained a Director Credential and the operator of a large family child care home must have a Staff Credential for a minimum of one year (see **Chapter 18: Training** for details regarding credential and training requirements). It is important to determine if the provider lacks the required training or

⁶⁶ 65C-22.001(2), F.A.C.

⁶⁷ 65C-22.001(2), F.A.C.

credential as soon as possible since the time necessary to meet these requirements can delay the licensure process.


- **Child Care Program Website.** Take this opportunity to show the provider the Child Care website, especially the Child Care Training Information System (which the provider can use to find contact information for training agencies and register for classes), and links to required forms and applications.
- **Potential fees.** Explain the licensing fee structure for licensed child care facilities, licensed and registered family day care homes and licensed large family child care homes. Explain that they may be subject to inspection fees and/or business license fees from other agencies. Notify potential applicants of background screening fees.

Additional Resources	
	During the initial meeting, the licensing office may choose to provide a copy of the Provider Guide or if the provider has internet access, refer him or her to the Child Care Program website at www.myflfamilies.com/childcare and then click on "Provider Information."

On-site Consultation

The next step after the initial technical assistance visit is an on-site consultation. Call the provider to schedule a "walk-through" of the facility during which time the licensure requirements will be discussed in greater detail.

- If the provider is applying for a license to operate a child care facility or large family child care home, measure the facility/home and the outdoor play area to prepare for determining the licensed capacity. Develop an accurate floor plan to be kept on file. At this point, determine a tentative capacity for the facility/home in order to notify the potential provider of the amount of the licensure fee and to provide information the applicant needs to decide whether to move forward with licensure (see **Chapter 7: Capacity** for detailed instructions for measuring and determining capacity). The final capacity will not be determined until the environmental health unit has provided feedback regarding any capacity limitations, (for example, if a facility operates on a septic system, this could significantly limit the overall capacity,) and the facility/home is almost ready to be licensed (because last minute changes to the facility layout may affect the capacity).
- Complete a pre-licensing inspection to identify deficiencies that must be corrected prior to licensure, especially those that may be costly or time consuming to correct. As the licensing counselor walks through the facility/home with the provider, he or she should discuss each item on the inspection checklist and the licensing requirements relating to each (see the applicable "Guide to the Inspection" in **Appendix B** for guidance on the information that this walk-through should cover).
- Provide a copy of this inspection (and any subsequent pre-licensure inspections) to the applicant as well as any supplemental attachments. Obtain the applicant's signature on the copy that will be maintained on file. Inspections conducted during this time-period will not be archived until the final inspection prior to licensure, which has all items in compliance.

	CCRA Reminder
Be sure to use the "Initial Inspection" form in CCRA. Document all technical assistance provided to the applicant.	

- Work with the provider to develop realistic timeframes to correct deficiencies that were identified during the pre-licensing inspection.
- Discuss the following items not specifically addressed on the inspection checklist:
 1. The Child Care Program Website (including the posting of inspections)
 2. The Complaint Process (see **Chapter 9: Complaints** for details)
 3. Enforcement/administrative actions (see **Chapter 12: Enforcement** for details)
 4. Child Abuse and Neglect (see **Chapter 8: Child Abuse and Neglect**)
 5. Emergency Management (see **Chapter 11: Emergency Management**)



Important Information!

The inspection of a home-based child care program may sometimes raise issues relating to the right of privacy of the operator. The operator of a large family child care home will likely be accustomed to being inspected, having already operated as a licensed home. A potential licensed family day care home provider, however, may be resistant to allowing the licensing counselor access to all areas of the home. Licensing staff have the authority and the responsibility to inspect *the entire home*, both to assure that there are no hidden hazards or unsafe areas, but also to ensure that the home is within the licensed capacity. Although licensing counselors should be diligent in inspecting the residence in a thorough manner, they should also be sensitive to the fact that they are entering the operator's home.

There are times when a potential family day care home applicant may choose registration as opposed to licensure after being informed of serious safety concerns. These situations should be discussed with the licensing supervisor, Region Safety Program Manager and Region Legal Counsel. A family day care home registration may be held for corrective action or even denied if the environment poses a threat to the health or safety of the children in care!

Follow-up Contacts

After the initial technical assistance meeting and the on-site consultation have taken place, several follow-up contacts (by phone and/or in person and initiated by either party) may be necessary to determine progress towards achieving licensure. Conduct follow-up inspections to determine if deficiencies have been corrected and provide additional technical assistance.

Licensing Activities

A copy of the application form may be given to the provider at any time during the pre-licensure process; however, the licensing counselor should explain the 90-day time limit for approving or denying the license once the completed application has been submitted. When it appears that the provider is within 90 days of correcting all deficiencies and obtaining the required background screening, training, and other agency approvals, the provider should submit an application for licensure. The submission of a completed application triggers the 90-day "clock" for the approval or denial of the license.

Submission of the Application

All applications for licensure must be completed in their entirety and signed. Applicants for licensed family day care homes and large family child care homes must attest to the accuracy of

the information submitted. Florida Statute requires that the applicant's social security number be included on the application submitted to the Department.⁶⁸ An application for licensure must be reviewed for completeness *as soon as it is submitted to the Department*, as there is a statutorily established timeframe for requesting additional information if needed for the application to be considered complete. Within 30 days of receipt of the application, the licensing office must notify the applicant in writing of any error(s) or omission(s) on the application and any additional information needed for the application to be considered complete.⁶⁹ Keep in mind, Chapter 65C-20.008(3) states a completed [CF-FSP 5133, Application for a License to Operate a Family Day Care Home](#), is not considered complete until the licensing authority receives proof of background screening clearance on the operator/applicant of the family day care home and on all other household members who are subject to screening. After 30 days, if the licensing office has not notified the applicant in writing to correct or complete the application, the application will be considered complete regardless of whether or not it includes errors or omissions (see the section in this chapter on "License Processing Timelines" for further information on this statutory requirement).⁷⁰

- **Child care facility.** A completed application must be signed by the individual or prospective owner or the designated representative of a partnership, association, or corporation. Applications must be made on [CF-FSP Form 5017](#), and must include submission of background screening documents for the owner/operator, and approved fire inspection in order to be considered complete.⁷¹ [The use of electronic fingerprinting (livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.] An application to operate a child care facility must include the required licensure fee.
- **School age child care program.** An applicant who intends to operate a school age child care program is required to complete CF-FSP Form 5272.⁷² If the provider submits the wrong application (as evidenced by having marked only "before school" and "after school" on the application or by stating that they intend to operate a "School Age Only" program), ensure that the appropriate version is completed instead.
- **Licensed family day care home.** Applications must be made on [CF-FSP Form 5133](#).⁷³ The application must include **either** the "Confirmation of Statutory Confidential Status" **or** the "Release of Information (Non-Confidential)" form, in order to be considered complete. An application to operate a family day care home must include the required licensure fee.
- **Large family child care home.** Applications must be made on [CF-FSP Form 5238](#).⁷⁴ The application must include **either** the "Confirmation of Statutory Confidential Status" **or** the



Required Documentation

For providers who identify themselves as a Gold Seal provider, the licensing counselor must **verify that they have an active Gold Seal certificate** through the CCIS. If the provider is claiming confidential status, the **required documentation** (a business card or letter/statement from the employer) must also accompany the application.

⁶⁸ Section 402.308(3)(a), F.S.

⁶⁹ Section 120.60(1), F.S.

⁷⁰ Section 120.60(1), F.S.

⁷¹ 65C-22.001(1), (a) through (c), F.A.C.

⁷² 65C-22.008(1), F.A.C.

⁷³ 65C-20.008(1), F.A.C.

⁷⁴ 65C-20.008(2), F.A.C.

“Release of Information (Non-Confidential)” form, in order to be considered complete. An application to operate a large family child care home must include the required licensure fee.

Central Abuse Hotline Records Search (CAHRS)

The processing and evaluation of child care facility license applications, family day care home license applications, and family day care home registration applications shall include a [Central Abuse Hotline Records Search](#) of the owner, director (facility), and household members (facility adjacent to operator’s home/homes). The CAHRS cannot be used to screen “employees,” including large family child care home employees and substitutes for family day care or large family child care home operators as part of the consideration of applications for licensure/registration.⁷⁵

- The CAHRS must be completed annually on child care facility owners, operators, directors, and family day care home operators (licensed, registered, and large) and their household members. If the owner is a corporation or Limited Liability Company (LLC) and the corporate/LLC officers have an active role in the facility, a CAHRS must be completed.
- The information included in a child abuse report may not be used in any way to adversely affect the interests of person unless the person has been identified as a “caretaker responsible for the abuse, neglect, or abandonment alleged in the report.”⁷⁶ When using CAHRS, consider the following:
 - The fact that an owner, director, or household member is identified as a caregiver responsible in a verified report of abuse, neglect, or abandonment is not, by itself, a sufficient basis on which to deny a license or registration application. Licensing staff shall review the abuse report, compile what additional information may be available, and consider whether the facts and circumstances that led to the verified report demonstrate that the application should not be approved.
 - If an owner, director, or household member is named in a verified report, but is not identified as a caregiver responsible, then the report may not be relied upon as a reason for denying the license or registration application.
 - If an owner, director, or household member is named in any capacity in a report that is not verified, it may not be relied upon as a reason for denying the license or registration application.
 - If an owner of a facility or family day care home operator is licensed or registered by the department and is named in any capacity in three or more reports (includes verified and not verified) within a five-year period, licensing staff may review the information in those reports in determining whether to renew a license or registration, or in determining whether an existing license or registration should be revoked.⁷⁷
- Results must be received prior to issuance of the initial license/registration or renewal.
- The person responsible for conducting the CAHRS check must be provided with a completed [CAHRS Search Request Form](#) that includes the name and social security number of the owners, operators, and directors of the facility or family day care home, as well as the

⁷⁵ Section 39.201(6), F.S.

⁷⁶ Section 39.301(21), F.S.

⁷⁷ Section 39.301(22) and 39.302(7), F.S.

household members of the family home and those household members who are residing with the facility operator if the facility is located in or adjacent to the home of the operator.

Sexual Offender Address Cross Reference

At the time of initial registration/licensure and renewal, licensing staff are required to cross reference the address of the child care program with the FDLE Sexual Offenders and Predators website in order to verify that a registered sex offender or sexual predator is not registered at the **exact** address being licensed. This cross-reference process should occur *early* in the license approval process--preferably prior to background screening and inspection—so as to prevent unnecessary workload and to allow ample time for a potential remedy (i.e. if a “hit” is found for the address.)

1. Go to <http://offender.fdle.state.fl.us>.
2. Select “Offender Search”.
3. Select “Neighborhood Search”.
4. Enter the address of the child care program and choose ¼ mile radius, which is the smallest vicinity range allowed for a search.
5. Licensing staff shall confirm and document on the application (in the space provided) that no sexual offenders or predators reside at the **exact** address of the child care program by comparing the address of the program to the address of any known offenders listed in the search results. Documentation shall be made on the upper right hand corner of the application and include the date of the search, who conducted the search, and the results of the search.
6. If there is an **exact** address match, then work with circuit legal staff to take the appropriate action on the license or application pursuant to chapter 402, Florida Statutes. In addition, if a sexual offender or predator resides at the **exact** address of a child care program, then notify the sheriff of the county or the chief of police of the municipality where the sexual offender or predator is residing.


Receipt and Acceptance of the Application

In order for an application to be considered complete, the application packet must at a minimum include the following items:


1. A complete application. (Errors and omissions corrected)
2. All background screening materials submitted for owners, operators, directors, each known employee, and household members subject to the screening requirements for facilities. [The use of electronic fingerprinting (livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.]
3. Background screening clearances received for the operator/applicant, and all other household members who are subject to background screening, and pursuant to s. 402.313(3), F.S., and substitutes for family day care homes.

4. As of January 1, 2004, every child care facility director must have a Director Credential prior to licensure (Child care facilities only).
5. The owner/director must be enrolled and begin training in the Introductory Child Care Training within 90 days from date of employment, if applicable.
6. The individual(s) who are certified in first aid and Pediatric CPR, and who will be on the premises at all times of operation, must be identified and verification of certification provided.
7. Approved current fire inspection.
8. Floor plan or blue prints with accurate measurements/notations of either 20 or 35 square feet used, in accordance with s. 402.305(6), F.S.
9. Application Fee.
10. Required documentation for transporting children, if applicable, must include verification of insurance, vehicle inspection, driver's annual physical examination, and valid Florida driver's license. Note: The exemption to holding a valid Florida driver's license for military families is not applicable for military families operating family day care homes choosing to provide transportation. ⁷⁸

Applicants should indicate only **one** of the following categories on the application: an individual, a partnership, or a corporation (a common mistake is for an applicant to complete more than one of these sections of the application). An applicant, who identifies himself/herself as a corporation on the application, must supply the required **documentation** and the licensing office must **verify the corporation status**. These are generally small corporations in which the owner/corporate officer is local, has a role in the operation of the facility, and is not necessarily the director.

Additional Resources	
	<p>Corporate information can be verified online at the Department of State, Division of Corporations website at: www.sunbiz.org.</p>

If significant omissions or mistakes are identified upon review of the application, it should *immediately* be returned to the applicant with a cover letter stating the deficiencies. If the application requires significant changes, it may also be necessary to provide the applicant with another copy of the application. Document the file with a copy of the original application and the cover letter. If only minor corrections are necessary, it is acceptable for the licensing counselor to make corrections on the application with the provider's permission. If so, the licensing counselor should document and initial the changes and the method and date of contact with the provider either on the application form itself or in the chronological notes.


	<p style="text-align: center;">CCIS Reminder</p> <p>Once a completed application has been received, licensing staff must add a new provider via the web portal, based on the application received.</p>
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⁷⁸ Legal Opinion #AGO 78-164, Florida Department of Highway Safety and Motor Vehicles, December 29, 1978

Determining the Approval/Effective/Expiration Dates of the License

The approval date is the day the license is signed by the Regional Administrator or delegated authority. The effective date of the license is the day the program is capable of operating which is reflected on the facility license. For new facilities and homes the approval date, effective date and origination date may be the same unless the provider has requested an effective date in the future. A new facility or home may not open for business prior to the effective date of the license. Although the facility may not operate prior to licensure, it *may* begin to advertise as “license pending” as long as there is an application for licensure pending with the child care licensing unit. In regions in which the Regional Administrator or designee requires a date to be given on the license when it is submitted for signature, work closely with appropriate administrative staff to ensure that the license is signed *on or before the effective date*. If the license is not signed before the effective date, a new license must be prepared.

- **Programs that operate less than 12 months of the year.** When licensing a program that does not operate on a year-round basis (for example a school-year program or seasonal program serving migrant families), the license renewal date needs to occur when the program is fully operational and children are in attendance. Renewal inspections should always be a full inspection. This can be done by changing the license renewal date to an earlier date and refunding a prorated portion of the license fee. Remember, the date cannot be moved forward because a license cannot be issued for more than one year. This would only be done for one license period and afterwards, renewals should be in sync with the program schedule.
- **Large family child care homes.** Regardless of the license period of the existing license, when a licensed family day care home provider becomes a large family child care home, the new large family child care home license is issued for a full 12-month period.
- **Provisional license upon loss of director.** When a licensed child care facility loses its credentialed director and has no immediate replacement, a provisional license is issued for a six month period with an effective date of the first day the facility was without a credentialed director.⁷⁹
- **Converting a provisional license back to an annual license.** When a provisional license reverts back to an annual license, the provisional license is then replaced with the annual license original effective dates. In instances when the provisional status crosses annual licensure dates, the reinstated annual license date will encompass the full licensure year.



Recommended practice...

Think of a provisional license as a status of an annual license rather than as a separate license. The combined period of the annual/provisional/annual licenses will not exceed one year.

Entering the Licensing Dates Into the CARES

Regional Safety Program Managers and Supervisors can approve licenses from the Dashboard by reviewing the Provider’s initial, new home, or renewal inspections listed on the inspection table or by reviewing the inspection on the Provider’s inspections tab.

⁷⁹ 65C-22.001(6), F.A.C. and Section 4.7 Facility Handbook

To approve licenses on the Dashboard page, select the “Pending License Approval” tile to filter the inspection table to list initials, new homes, and renewal inspections. Select the inspection date to review the inspection.

FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES
MFLFAMILIES.COM

Search... Dashboard Provider Reports **Miatta Jalaber** Regional Supervisor

Dashboard

Pending Inspection Approval: 5
Pending License Approval: 11
 Denied: 1
 Complaint: 1

Inspection Date	Agency	Region	Circuit	County	DCF ID	LLA ID	Provider Status	ProviderName
05/29/2018	Florida DCF	Northwest	02	Leon	C02LE0237		Regular/Annual	Early Years Child Development
05/30/2018	Florida DCF	Northwest	01	Escambia	C01ES0322		Regular/Annual	Greater Little Rock Preschool
05/30/2018	Florida DCF	Northwest	01	Escambia	C01ES0113		Regular/Annual	Miss Kathy's Early Learning Cen
05/30/2018	Florida DCF	Northwest	01	Escambia	C01ES0303		Regular/Annual	St James Early Learning Center
06/04/2018	Florida DCF	Northwest	02	Leon	C02LE0712		Regular/Annual	You're Precious To Me Learning
06/04/2018	Florida DCF	Northwest	02	Leon	C02LE0026		Regular/Annual	Quality Education Facility Inc.
05/30/2018	Florida DCF	Northwest	14	Holmes	C14HO0063		Regular/Annual	Tri-County Head Start
06/06/2018	Florida DCF	Northwest	02	Leon	C02LE0521		Regular/Annual	Scottsdale Academy at Southwo
06/04/2018	Florida DCF	Northwest	14	Holmes	C14HO0061		Regular/Annual	Small World Day Care Center In
06/06/2018	Florida DCF	Northwest	01	Santa Rosa	C01SR0051		Regular/Annual	Childcare Network 151 - Grand
06/07/2018	Florida DCF	Northwest	02	Leon	C02LE0466		Regular/Annual	Kids Village Inc

Total Items: 11

On the inspection, select the “Approve License” option to approve the license. A pop up window with the new approval and expiration dates will appear to confirm that the renewal license is approved.

Counselor Comments:

Child Care Facility information
C02LE0237

Supervisor Comments:
Inspection Information
 Type: Renewal Date: 05/29/2018 Arrival/Departure Time: 09:55 AM to 12:20 PM

License Renewal Approved

License renewal has been approved and the following dates are updated:

Approval Date: From 06/10/2017 to **06/19/2018**
 Expiration Date: From 06/22/2018 to **06/22/2019**

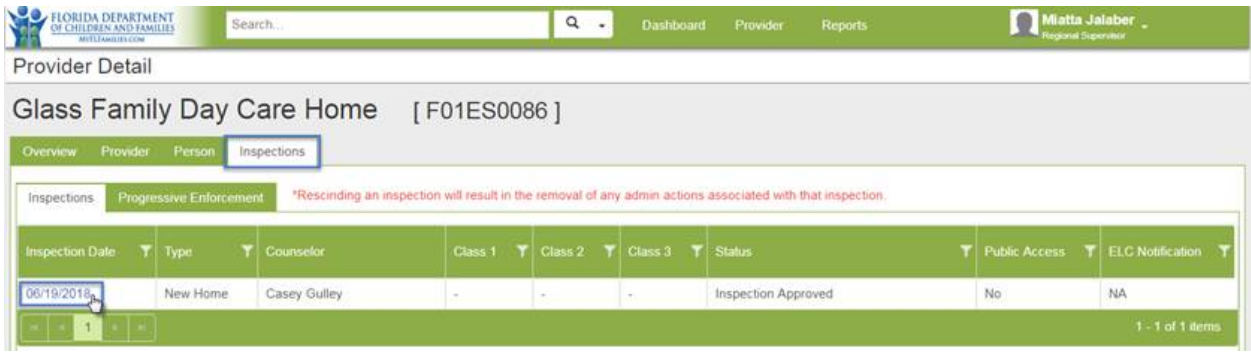
Note: Contact your Program Analyst (PA) if you need to change these dates.

01. License
 02. Minimum Requirements
 03. Ratio Summary

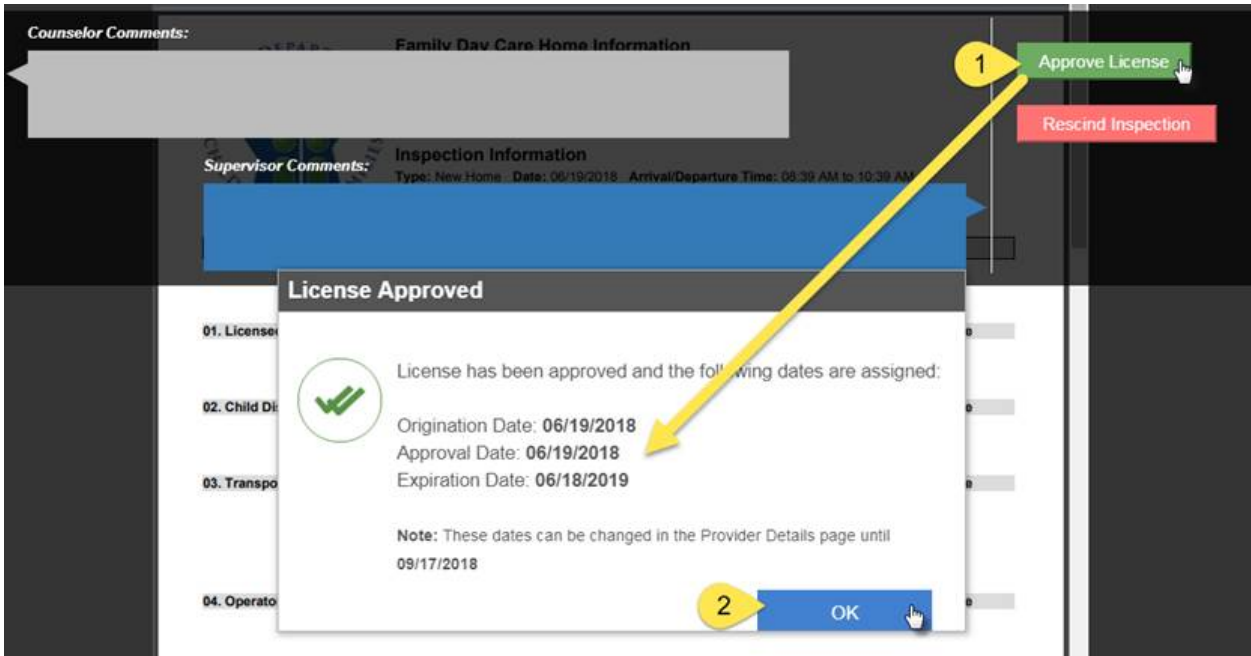
1:9 Three
 1:9 Four
 1:10 Four
 1:13 Three
 1:3 Infant
 2:9 One
 1:4 Infant
 1:3 Infant
 1:7 Two year olds

Approve License
 Rescind Inspection
 OK

The initial, new home or renewal inspection can also be reviewed via the provider's record. To do so, search for the provider by the ID number and select the provider's inspections tab. Select the inspection date to review the new home inspection.



On the inspection, select the “Approve License” option to approve the license. A pop up window with the provider’s new origination date, approval date, and expiration date will appear to confirm that the license for the new home is approved.



Remember: If you select to reduce the expiration date, then you also must prorate the licensing fee. You cannot charge for 12 months and issue the license for a period less than 12 months.)

Determining Licensed Capacity

Determining the capacity of the facility or large family child care home is probably the most exacting function of the licensing counselor. This figure will be used by providers to plan their entire business. The licensed capacity determined by the licensing counselor will be used by other agencies when conducting inspections, and may also be used by insurance companies when calculating risk exposure. It will also be used to determine the licensure fee for child care facilities.

The licensing counselor should wait to determine the licensed capacity for a new child care facility license until the physical plant is ready for business (because final renovations and decisions regarding space usage can affect the licensed capacity). Determining the licensed capacity is a complicated process. Therefore, two chapters have been devoted to this subject (see **Chapter 7: Capacity** and **Chapter 14: Ratio**). Please use the information in these chapters when determining the licensed capacity of each of the different types of licensed providers. Capacity for dually licensed family day care homes and family foster homes cannot exceed five children regardless of whether foster children are in the home during the hours of the child care operation. Foster children count in the capacity through the age of 17. See Child Care Policy Memo, "[Dual Licensure of Foster Homes and Family Day Care Homes](#)", (June 25, 2003).

Determining the Licensure Fee

An application to operate a child care facility or school-age facility must be accompanied by the license fee in order to be considered complete. The licensing fee for a licensed child care facility is \$1 per child (based on the licensed capacity), except that the minimum fee is \$25 and the maximum fee is \$100 per center.⁸⁰ The annual licensing fee for a registered family day care home is \$25, a licensed family day care home \$50, and a large family child care home \$60.

The applicant should be notified of the anticipated amount of the license fee during the initial on-site consultation. If the final capacity of the facility differs from this initial calculation and results in an insufficient or excess fee being submitted with the application, any overage should be refunded or additional funds should be collected prior to license issuance.

Each region should have an established procedure for handling fees. Child care licensing staff should comply with the regional procedure that, at a minimum, must include the following:

1. The applicant must be notified in writing of the license fee amount and a copy of the notification must be maintained in the licensing file. Notification may be in the form of a separate letter, the 30-day response letter identifying omissions or mistakes on the application, any written verification sent to the provider by the licensing unit, or included in the 90-day notification of renewal letter.
2. The license or registration fee must be paid by check or money order made payable to the Department of Children and Families.



Important Information!

All license fees must be mailed or hand delivered to the DCF child care licensing office. **Under no circumstances shall license fees be collected by a licensing counselor in the field.**

⁸⁰ Section 402.315(3), F.S.

3. All license or registration fees must be **mailed or hand delivered** to the DCF child care licensing office. Under no circumstances shall license or registration fees be collected by a licensing counselor in the field.
4. Once received, all licensing or registration fees must be recorded on the Department's Financial Services Cash Receipts application which includes the date the check is received, the region, the name of the person logging the check, the purpose of the check, and amount of the check. All licensing or registration fee collections **must** be kept in a locked or secure area until forwarded to the fiscal office which is to occur on a daily basis.
5. Receipt of the fee must also be documented on the last page of the application in the section "Official Use Only." The documentation must include the amount of the fee, the date collected, the number of the check or money order, and include the initials of the staff person completing the form. Placing a copy of the check in the licensing file will **not** meet this requirement.
6. License fees must also be entered into the fee field on the provider tab, via the web portal at the time of licensure and renewal of the provider's license to operate. The system has been modified to require the fee amount to be entered into the fee filed at the time the approval date field is updated annually.

Note: Entry of the fee amount into the child care information system must be entered by a second staff member and shall not be the same staff member that received and logged the check in the Financial Services Cash Receipts application log.
7. The licensing fee should always be refunded if a license is not issued. If an application is denied or withdrawn, the child care licensing office should coordinate with the fiscal office to obtain the refund for the applicant. Be sure to track the status of the refund for the applicant. Due to statutory time constraints, notification of the application status should be sent in a timely manner. Obtaining a refund of the application license fee may include a separate process.

If, during the licensure year, the provider's licensed capacity has increased or decreased, no change in the licensing fee will occur until the annual renewal.

Final Inspection

The final inspection should be conducted after the fire approval has been received. By the time the final inspection takes place, the counselor should have discussed (and the owner should have read) all of the applicable requirements of [65C-20](#) or [65C-22](#), F.A.C., and [ss. 402.301-319, F.S.](#) Once the final inspection is complete, the licensing counselor should immediately process the license. If, for some reason, final licensure is postponed and the final inspection becomes “stale” (over 30 days old) a re-inspection is good practice.

During the final inspection prior to licensure, the licensing counselor will not be able to inspect certain items on the checklist (supervision, ratio, children’s records, etc.) as children will not be present and most likely the provider will have hired few employees other than the director. At this time, such items should be marked “Not Monitored” (with an explanation of the reason why noted on the inspection checklist) and these requirements thoroughly discussed with the provider.

The final inspection—the version that is ultimately archived to the web—must not include any non-compliance items. At this point in the licensure process, all aspects of facility/home operation and the expectations of the licensing authority should have been covered and the provider should have met all of the licensure requirements. Once this is accomplished, it is time to prepare the licensure packet to be routed through the approval process.

License Approval Process

Once all of the licensure requirements have been met, the licensure packet should be routed through the locally-determined chain of command for final approval. In order to expedite the license approval process, regions have been encouraged by the Auditor General to limit the number of persons required to review/approve the license to persons with specific knowledge of the licensing requirements. At a minimum, the licensure packet should be reviewed/approved by the licensing counselor, the licensing supervisor and/or Regional Safety Program Manager, and the Regional Administrator’s designee.

The Licensure Packet

At a minimum, the licensure packet should include the following:

1. **A licensure study or license routing memo.** Most regions utilize a [licensure study](#) form to assist with tracking compliance with all licensure requirements and to aid in the routing and approval process. The licensure study also documents the recommendation of the licensing counselor relating to the license application (to approve or deny the license or issue a provisional license). This form provides the reviewers with a concise summary of all information necessary to act on the licensing counselor’s recommendation regarding the applicant.
2. **Cover Letter** (See [sample](#))




Recommended practice...

Provide a sample children’s file and employee file for the provider to use as a reference (for guidelines, refer to [Chapter 15: Record Keeping](#)).

The final inspection is also a good time to provide all of the required and sample forms that the provider will use once the license has been granted (the in-service training form, a copy of the CCIS background screening and training log, a sample enrollment form, the driver physical form, transportation log, accident/incident log, medication log, etc.)

3. **A complete application with required documentation.** The application must be signed and must not contain any uncorrected errors or omissions. Staff may not make substantial changes; however, minor changes or corrections are acceptable at the request of the applicant, if properly documented. If the applicant is applying as a partnership or corporation, the application packet must include the Articles of Incorporation or Partnership Agreement, a list of the corporation or partnership members, and proof that the corporation is actively registered with the Division of Corporations (which may be obtained from www.sunbiz.org).
4. **Background screening materials.** Most regions require that a copy of the personnel files from CARES, which documents each person’s background screening/training, be included in the licensure packet for child care facilities. This enables those in the approval chain-of-command to easily determine that all background screening and training requirements have been met. The packet must include supporting documentation for all background screening requirements for the applicant (owner/operator) and the director of a child care facility. For licensed homes, documentation of screening for the operator, household members, substitutes, and employees in large homes must be included as required. Documentation of background screening may include: Clearinghouse eligibility page, provisional hire email (if applicable), Affidavit of Good Moral Character, out-of-state child abuse/neglect search (if applicable), out-of-state sexual predator search (if applicable), and 5yr employment history – with completed reference check.
5. **Documentation of credentials/training.** The packet must include the training transcript for the applicant (owner/operator), director, employee (for large homes), and substitutes (for homes) to document compliance with all training requirements. (See **Chapter 18: Training** for details regarding training requirements). Documentation of current and valid Pediatric CPR and first aid training must be included for the operator and the substitute of homes.
6. **Approvals from other agencies, if applicable.** The packet must include an approved fire inspection (facilities and large homes only). An “approved” inspection may be issued with minor violations cited. However, the licensing counselor must verify that any corrective actions that were *required* by the other agency in order for the inspection to be approved have been completed.
7. **Documentation of capacity calculation (for facility or large home only).** Documentation must include an accurate floor plan or blueprint(s) and a completed square footage calculation worksheet. The licensure study should include a notation of whether the facility capacity was measured using the 20 or 35 square foot requirement and if the capacity is based on a limitation imposed by another agency (for example environmental health – based on the septic system) or at the applicant’s request because of a deed restriction or zoning issue.
8. **Written plan for substitute (family day care homes and large family child care homes only).** A written plan to provide at least one other competent adult (at least 18 years of age) to serve as a substitute for the operator must be included with the application. This requirement is documented on the application.



Required Documentation

Effective October 1, 2010, the DCF Child Care Training Transcript is the only proof of documentation used to validate compliance with mandatory introductory training requirements (30 or 40 hours) for licensure. Hard copy (paper) certificates are no longer accepted beyond this date.

9. **The licensing or registration fee.** The amount of the fee must be documented either on the application, the provider profile, the licensure study, or by a copy of the check (see **Chapter 15: Record Keeping** regarding the redaction of confidential information).
10. **Final inspection.** A copy of the final inspection that will be archived should be included in the packet. This inspection must show all items in compliance except for those areas that were not inspected because the provider was not yet in operation (for example, children's files, employee files, ratio, etc.) or if issuing a provisional license for lack of fire inspection (renewal only).
11. **Mandatory Abuse/Neglect Reporting Form.** The licensing file must also contain signed [statements acknowledging that the applicants understand the statutory requirements for mandatory reporting of child abuse and neglect](#). For purposes of this requirement, "applicants" include the owner and director of a licensed center; the operator and substitute in a family day care home; and the operator, employee, and substitute in a large family child care home.
12. **Transportation documentation, if applicable.** The licensure study should reflect whether or not the provider intends to provide transportation services. If so, the licensure packet must include verification of insurance, a current vehicle inspection (not more than one year old), documentation of the valid driver's physical examination, and a copy of the driver's valid Florida driver's license with either a "P" or "S" endorsement if the vehicle is designed to transport more than 15 passengers, including the driver.
Notes:
 - 1) All drivers must have a valid Florida Driver's license prior to transporting children. No exemptions are granted for military family members stationed in Florida due to military orders.
 - 2) The above requirements apply to facilities. Family day care homes and large family child care homes that transport children must provide verification of insurance and a copy of the driver's valid Florida Driver's license.
13. **The provider information page from the CARES.** This enables the licensing supervisor or Regional Safety Program Manager to ensure that the provider information has been correctly entered into the system. Once approval is granted, the approval date may be entered on the provider information page.
14. **A completed annual/provisional license certificate.** The licensure study or routing memo should explain the reason for the provisional license if one is being issued.



Important Information!

License Approval Date. The approval date of the license is the day the license was approved by the approval authority (based on the signature on the licensure checklist and on the license). *A new facility or home may not care for children prior to the approval date of the license, but may begin to advertise as "license pending."*

Naming Convention/Fictitious Name. Effective 8/24/04, regions were notified that the standard naming convention for family day care homes "(Last name) Family Day Care Home" is considered to be a fictitious name by the Secretary of State, division of corporations. Regions were directed to begin issuing licenses using the following naming convention, "(First Name, Last Name) Family Day Care Home." If the provider wishes to continue using the old naming convention or use an alternate business name (Ex: Miss Betty's Babies), he or she must register the name with the Division of Corporations. The naming convention for the purposes of CARES will continue to be, "(Last Name) Family Day Care Home."

License Issuance/Denial


An applicant must be notified in writing that the agency intends to [grant](#) or [deny](#) the license or has already done so. If the license is being denied because the provider has not met the licensure requirements by the end of the 90-day period, the notice must state the specific reasons for the denial and notify the applicant of his or her right to appeal the agency decision.⁸¹ Once the licensure packet has been reviewed and approved and the license signed, the following steps complete the licensing process:

1. A dated letter notifying the provider of license approval or denial must be prepared and delivered either in person or by mail to the provider. If the license is denied, a dated letter must be prepared and delivered to the provider by mail with a return receipt requested.
2. If the license is being approved, the signed license should be included with the notification of approval. If the license is being denied, the notification of denial should include information regarding the refund process for the licensing fee.
3. If licensing a family day care home, the license and license approval letter should be accompanied by a copy of the [In-service Training Record \(CF-FSP Form 5268A\)](#). This will serve as a reminder to the operator regarding the in-service training requirement and assist the operator with tracking in-service training during the following year.
4. A copy of the cover letter and the license should be maintained in the licensure file (the originals must be mailed to the provider).

⁸¹ Section 120.60(3), F.S.

5. The final inspection for all newly approved licenses may now be archived. All materials that were included in the licensure packet should be filed appropriately in the provider's licensure file (see **Chapter 15: Record Keeping** for guidelines).

Additional Resources



See samples of [Facility Annual License Cover Memo](#), [Denial of Child Care Facility License Letter](#), and [Acknowledgement of Capacity Regulations for Licensed Family Day Care Homes](#) .

Types of Licenses

Although the following are generally referred to as “types” of licenses, they are actually different statuses of a single license - an annual license. There is really only one type of license. Based on the compliance history of the provider, the annual license may be converted to probation or provisional status.

Annual License

A license to operate a child care facility, family day care home, or large family child care home is effective for one year and must be renewed annually in order to remain in effect.⁸²

Provisional Status License

The Department or a local licensing agency may convert a license to provisional status when an applicant seeking the renewal of a child care facility, family day care home, or large family child care home license is *unable* to meet all the standards provided for in ss. 402.301-402.319, F.S.⁸³ Note that the statute reads “is unable to” rather than “chooses not to” or “is unwilling to.” For this reason, provisional status licenses are only issued for circumstances that are truly beyond the control of the operator. For example, a provisional status license may be issued to a child care facility for a renewal when a provider that has requested a fire safety inspection, but has not yet received an inspection due to a backlog on the part of the local fire department. A provisional status license is also issued in the event that a licensed child care facility loses its credentialed director and does not have an immediate replacement.⁸⁴ A provisional license is not a disciplinary sanction.⁸⁵

A provisional status license may not be issued to providers that have not made adequate provision for the safety of the children in care. A family day care home is generally operated by a single individual and lacks the type of oversight available in a child care facility. In order to ensure the maximum safety and well-being of children in family day care homes, a license is not to be issued until proof of background screening clearance has been received for the operator, substitute, and all other household members subject to screening.⁸⁶

Each provisional status license should be accompanied by a [cover letter](#) stating the specific reason(s) for the issuance of the provisional license and the required corrective action(s). The letter should include specific statutory and rule references relating

⁸² Section 402.308(1), F.S.

⁸³ Section 402.309(1), F.S.

⁸⁴ 65C-22.001(6), F.A.C. and Section 4.7, D. Facility Handbook

⁸⁵ 65C-20.008(5), F.A.C. and 65C-22.001(3)(d), F.A.C.

⁸⁶ 65C-20.008(4), F.A.C.

to the violation(s), corrective action due date(s), and may include requirements relating to ensuring the safety of children in care during the period the provisional status license is in effect. As part of the corrective action, documentation from a third party (such as a contract with a contractor or correspondence with another agency regarding an inspection) may be required to document corrective action dates.

The provisional status license shall in no event be issued for a period in excess of six months.⁸⁷ When establishing the expiration date of the provisional status license, remember that the period of a provisional status license may not exceed the annual expiration date. The period of a provisional license may be less than six months, but because a provisional status license can only be renewed one time, choose a *realistic* expiration date that allows sufficient time for the provider to come into compliance. The provider is not required to remain on provisional status for the entire effective period of the provisional license. If the provider is able to come into compliance prior to the expiration date of the provisional status license, it may be converted back to a regular annual license.

NOTE: When a provisional status license reverts back to an annual license, the annual license is effective only for the time *remaining* in the annual licensing period, not for a full twelve-month annual license period (in other words, the annual re-licensure date does not change when the provisional status license reverts back to an annual license).

A provisional status license may be renewed one time for a period not in excess of six months under unusual circumstances *beyond the control of the applicant.*⁸⁸ These situations should be reviewed with and approved by the Regional Safety Program Manager and the Child Care Program Office.

The provisional license may be suspended or revoked if periodic inspection made by the local licensing agency or the Department indicates that insufficient progress has been made toward compliance.⁸⁹



Additional Resources

See sample [Provisional License Cover Memo](#).

⁸⁷ Section 402.309(3), F.S.

⁸⁸ Section 402.309(3), F.S.

⁸⁹ Section 402.309(4), F.S.

Probationary Status License

A probationary status license is used as a progressive enforcement step for repeated non-compliance with licensing requirements, and as a disciplinary sanction for non-compliance with the licensure requirements of ss. 402.301-319, F.S. Probationary status indicates the license is in jeopardy of being revoked or not renewed due to violations.⁹⁰

Probationary status licenses that are issued due to non-compliance **within the provider's control** are valid for up to six months. A probationary status license issued for this reason may not be renewed.⁹¹ If the annual renewal period falls within the six months probationary period, the probationary status license should be issued for the duration of the licensing year. At the time of renewal, if the non-compliance has not been corrected, a probationary status license could be issued for the remainder of the probationary period, not to exceed a total of six months.

A probationary status license issued for non-compliance may be suspended or revoked if monthly inspections by the Department or local licensing agency find that the provider is not in compliance with the terms of the corrective action plan or that the provider is not making sufficient progress toward compliance with the licensing requirements.⁹²

If the license is converted to probationary status, a [notice](#) must be sent that states the specific reasons for the conversion and notify the applicant of their right to appeal the decision.⁹³ The notification of the Department's action to issue a probationary license and the administrative fine may be included in the same administrative action.

The issuance of a probationary status license works the same as other administrative complaints, such as fines and revocations. The provider is given their due process rights in the administrative complaint that outlines the Department's intent to place their license on probationary status. If a hearing is not requested by the provider by the end of the 21 days after receipt of the notification, the provider will be issued a probationary status license for the period of time specified in the administrative complaint, which cannot exceed six months. If a hearing is requested timely, the outcome of the administrative hearing process will determine if the provider's license will be changed to probationary status, or if the operator will continue to operate on their previous license status.

The License Renewal Process

Every license to operate a child care facility must be renewed annually on or before the date of license expiration in order to remain in effect.⁹⁴ Failure to submit a completed application at least 45 days prior to the expiration date of the current license constitutes a licensing violation for which the department shall issue an administrative complaint for the imposition of fines.⁹⁵ The license renewal process is an abbreviated version of the initial licensure process. An annual renewal may not be granted while the license is on provisional or probation status unless the renewal is for the remainder of the time for a six-month provisional period.

⁹⁰ 65C-22.010(1)(b), F.A.C. and 65C-20.012(1)(b), F.A.C.

⁹¹ Section 402.310(1)(a)2., F.S.

⁹² Section 402.310(1)(a)2., F.S. and s. 402.310(2), F.S.

⁹³ Section 120.60(3), F.S.

⁹⁴ Section 402.308(1), F.S.

⁹⁵ 65C-20.012(3)(d), F.A.C. and 65C-22.010(2)(c), F.A.C.

Determining the Renewal Date

The expiration date of the Annual License Certificate determines the annual renewal date of the license (for example, if the license expires on July 1, the license must be renewed on or before July 1). The annual renewal date does not change when a provider is issued a provisional or probation status license. If a provider's annual license is reinstated after being on provisional or probation status, the expiration date will be the same as it was *before* the provider was put on provisional or probation status.

90-day Notification

It is customary for the licensing unit to mail a renewal packet to the provider at least 90 days prior to the expiration of a license. In most regions this task is completed at the beginning of each month, and is assigned to clerical staff. In some regions, the licensing unit also mails inspection request letters to the fire inspector at this same time.

The renewal packet should include: a cover letter, the appropriate application form, and background screening forms including [Central Abuse Hotline Record Search request form](#), and forms necessary for five year re-screening, juvenile screening, or new adult screenings. The cover letter should clearly state the requirements for renewing the provider's license and should specify timeframes. These requirements include:

- Background screening.** Notify the provider of any screening/re-screening that is due (and any associated fees). Determine if a 5 year re-screening is due on the owner/operator or director. If re-licensing a family day care home or large family child care home, determine whether or not: a 5 year re-screening is due on any existing family member, including juveniles that were screened at age 13, but are not yet 18 years old (any child over the age of 12 is subject to a juvenile screening); or, any juvenile that has turned 18 years old and is now subject to an adult screening. Also notify family day care and large family child care providers of their obligation to notify the licensing office of any additional household members and have such persons appropriately screened.
- Other agency inspections.** Remind providers that it is their responsibility to acquire the appropriate re-inspections/approvals (fire, zoning, etc.) from other agencies.
- Completed application, and fee.** Notify the provider that the completed application is due at least 45 days prior to the expiration of the current license. And, failure to submit the application at least 45 days prior to the expiration of the current license constitutes a licensing violation and may result in an administrative fine or lapse in the license.⁹⁶ As a result of an operational audit completed in December 2018 by the State of Florida Auditor General's office, effective March 1, 2019 the standard [Renewal Application Mailing Tracking Log](#) must be utilized to track receipt of late applications for completing administrative actions. The tracking log was developed to ensure administrative action letters are issued for all late applications according to rule. For child care facilities only, ensure that a change in capacity has not occurred since the previous license



CARES Reminder

The CARES includes a report of all licenses that will expire within the next 90-day and 45-day period. These lists can be used to generate both mailing labels and form letters.



Recommended practice...

Highlight portions of the forms that the provider is required to complete and/or sign and indicate the amount of any fees that must be included.

⁹⁶ 65C-20.012(3)(d), F.A.C. and 65C-22.010(2)(c), F.A.C.

approval and, if so, notify the provider of the licensure fee. As with the initial application, the licensing fee (which must be paid by check or money order) must accompany the application in order for it to be considered complete.

- **Documentation of in-service training.** Unlike initial licensure, at renewal, the applicant must provide documentation of in-service training. In-service training for child care facilities must be completed by the end of the fiscal year. Family day care homes and large family child care homes must be completed during the previous licensure year (see **Chapter 18: Training** for specific in-service training requirements).
- **Payment of outstanding fines.** Renewal of a license is contingent upon the payment of any uncontested fine or fine that was affirmed at an administrative hearing (see the section on “Processing a Renewal Application during Administrative Action” for additional guidance).

Emphasize that operating with an expired license is prohibited and will result in severe penalties (see **Chapter 12: Enforcement** for specific penalties and enforcement procedures).⁹⁷

45-day Notification Letter

As previously stated, an application must be submitted to the licensing office at least 45 days prior to license expiration to ensure that a lapse in licensure does not occur.

At the 45-day mark, the child care licensing unit should mail a reminder letter to each licensed provider that has not yet submitted an application, notifying him or her of the administrative complaint, fines, and lapse in licensure. If the provider is a licensed child care center that is operating under the “20 square foot” requirement, this reminder letter should also include notification that they risk losing this benefit if their license is allowed to lapse.⁹⁸ If the application is not submitted in a timely manner, the Department is under no obligation to “expedite” the renewal. However, if the license does lapse, the licensing staff must work with the regional legal staff to ensure the provider does not continue to operate during the lapse.



Important Information!

Failure to submit a completed application at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The Department will issue an administrative complaint imposing a fine of \$50 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period. See Child Care Management Memorandum “[Processing Late Application Procedures](#)” (December 27, 2010) for more information on handling situations where the provider fails to submit their renewal application in a timely manner.

⁹⁷ Section 402.312(1) and 402.319, F.S.

⁹⁸ Section 402.305(6)(a), F.S.

Re-licensure Inspection

Prior to the renewal of a license, the Department shall re-examine the premises and the records of a licensed child care provider to determine that minimum standards for licensing continue to be met.⁹⁹ This inspection should take place no earlier than 45 days prior to license expiration. During the renewal inspection, the licensing counselor should notify the provider of any recent or pending changes to licensing standards that affect the provider and discuss them fully. Evidence of this notification should be included on the inspection checklist, which will be signed by the provider.



CCRA Reminder

Use the "Renewal Inspection" form in the Licensing Application.

License Renewal Process

Once all of the re-licensure requirements have been met, like the initial licensure process, the renewal packet should be routed through the locally determined chain of command for final approval.

The Renewal Packet

At a minimum, the licensure packet should include the following:

1. **A re-licensure study or routing memo.** The "re-licensure study" form is very similar to the form used for initial licensure except that it does not include those elements that are only required at initial licensure. Use the re-licensure study form to document that all licensure requirements have been met and to aid in the routing and approval process. The re-licensure study also documents the recommendation of the licensing counselor relating to the license application (to approve or deny the license, or issue a provisional or probationary status license). For facilities that have been licensed for at least 2 years, counselors should note on the routing slip whether a facility will receive full or abbreviated inspections in the upcoming licensing year.
2. **A complete application with required documentation.** The [application](#) must be signed and must not contain any uncorrected errors or omissions. Staff may not make substantial changes; however, minor changes or corrections are acceptable at the request of the applicant, if properly documented. If the applicant is applying as a partnership or corporation, the renewal packet must include the Articles of Incorporation or Partnership Agreement, a list of the corporation or partnership members, and proof that the corporation is actively registered with the Division of Corporations. These documents may be pulled forward from the previous year, however proof that the corporation is actively registered with the Division of Corporations, provided by the applicant (or which may be obtained from www.sunbiz.org), must be for the current year.

⁹⁹ Section 402.308(3)(b), F.S.

3. **Background screening materials.** Include a copy of the personnel record from CARES in the renewal packet. The packet must include the actual screening and training documents for the applicant (owner/operator), and the director of a child care facility. In addition, the personnel record from CARES should document that all other employees are in compliance with the background screening requirements. For homes, documentation of screening for the operator, household members subject to screening, substitute, and employee in a large home must be included. These documents are maintained by the licensing office.
4. **Mandatory Abuse/Neglect Reporting Form.** The [Abuse/Neglect Reporting Form](#) must be signed annually by child care personnel in a licensed center; the operator and substitute in a family day care home; and the operator, employee, and substitute in a large family child care home.¹⁰⁰
5. **Documentation of credentials/training.** The packet must include the training transcript for the applicant (owner/operator) and the director or second employee in a large home to document compliance with all training requirements. Unlike at initial licensure, at renewal, the applicant must provide documentation of in-service training completed by the end of the fiscal year for facilities. Family day care homes and large family child care homes must be completed during the previous licensure year (see **Chapter 18: Training** for specific training and credential requirements, including in-service training requirements).
6. **Written plan for substitute (family day care and large family child care homes only).** A written plan to provide at least one other competent adult (at least 18 years of age) to serve as a substitute for the operator must be documented on the application.
7. **Approvals from other agencies, if applicable.** The packet must include an approved fire inspection (facilities and large homes only). An “approved” inspection may be issued with minor violations cited; however, the licensing counselor must verify that any corrective actions that were *required* in order for the inspection to be approved have been completed. Remember that issuing a provisional license is an option if a fire inspection was requested in a timely manner but was not received prior to re-licensure.
8. **The licensing fee.** The amount of the licensing fee must be documented on the application, the provider profile, the licensure study, or by a copy of the check (see **Chapter 15: Record Keeping** regarding the redaction of confidential information).
9. **Inspections.** This is an opportunity for the licensing supervisor or the Regional Safety Program Manager and the licensing counselor to review the provider’s compliance history during the previous year to identify any trends in non-compliance and determine if appropriate progressive enforcement has been utilized. Although not required for monitoring purposes, the region may require copies of all of the inspections for the licensing year to be attached to the renewal packet. The renewal inspection must show all items in compliance.
10. **Transportation documentation, if applicable.** If the provider offers transportation services, the licensure packet must include verification of insurance, a current [vehicle inspection](#) (not more than one year old), documentation of the driver’s physical examination, and a copy of the driver’s valid Florida driver’s license with a “P” or “S” endorsement if the vehicle used is designed to transport more than 15 passengers, including the driver.

¹⁰⁰ 65C-22.001(6), F.A.C., Section 7.4, C. Facility Handbook, 65C-20.008.(6), F.A.C., and Section 4.3, H. FDCH/LFCCH Handbook

Notes:

- 1) All drivers must have a valid Florida Driver's license prior to transporting children. No exemptions are granted for military family members stationed in Florida due to military orders.
 - 2) The above requirements apply to facilities. Family day care homes and large family child care homes that transport children must provide verification of insurance and a copy of the driver's valid Florida Driver's license.
11. **The provider information page from CARES.** During the renewal process, the licensing counselor may have noticed changes to the information about the provider that was previously entered into CARES. This information should be updated prior to renewal and a copy of the new provider profile printed and included in the renewal packet. This enables the licensing supervisor to ensure that the information has been entered correctly into the system. Renewal dates may be updated after the license is signed by the Regional Administrator or designee.
 12. **Completed annual/provisional/probation status license certificate.** The licensure study or [routing memo](#) should explain the reason for the license issued.

Sexual Offender Address Cross Reference


At the time of initial registration/licensure and renewal, licensing staff are required to cross reference the address of the child care program with the FDLE Sexual Offenders and Predators website (<http://offender.fdle.state.fl.us>).

1. Select "Offender Search".
2. Select "Neighborhood Search".
3. Enter the address of the child care program and choose ¼ mile radius, which is the smallest vicinity range allowed for a search.
4. Licensing staff shall confirm and document on the application that no sexual offenders or predators reside at the **exact** address of the child care program by comparing the address of the program to the address of any known offenders listed in the search results. Documentation shall be made in the upper right hand corner of the application and include the date of the search, who conducted the search, and the results of the search.
5. If there is an **exact** address match, then work with circuit legal staff to take the appropriate action on the license or application pursuant to chapter 402, Florida Statutes. In addition, if a sexual offender or predator resides at the **exact** address of a child care program, then notify the sheriff of the county or the chief of police of the municipality where the sexual offender or predator is residing.
6. License Issuance/Denial

An applicant must be notified in writing that the Department intends to [renew](#) or [deny](#) the license, or has already done so. If the license is being denied because the provider has not met the licensure requirements by the end of the 90-day period, the notice must state the specific reasons

for the denial and notify the applicant of their right to appeal the agency decision.¹⁰¹ Once the renewal packet has been reviewed and approved and the license signed, the following steps must be completed:

1. A dated letter that either notifies the provider that the license has been approved or denied must be prepared and delivered (either in person or by mail) to the provider.
2. If the license is being approved, the signed license should be included with the notification of approval. If the license is being denied, the notification of denial should include information regarding the process for requesting a refund of the licensure fee.
3. If the license is being renewed, the license dates in the CCIS should be updated when the license is approved and signed.
4. If licensing a family day care home, the license and license approval letter should be accompanied by a [licensed home capacity letter](#).
5. A copy of the cover letter and the license should be maintained in the licensure file (the originals must be mailed to the provider).
6. The renewal inspection must be archived within 10 days of the inspection.
7. All materials that were included in the licensure packet should be filed appropriately in the provider's licensure file (see **Chapter 15: Record Keeping** for guidelines).

Additional Resources	
	See samples of Facility Annual License Cover Memo , Denial of Child Care Facility License Letter , and Acknowledgement of Capacity Regulations for Licensed Family Day Care Homes .

Processing a Renewal Application during Administrative Action

In most cases during a pending revocation, a licensee will be allowed to continue to operate under the current license until the conclusion of the appeals process (unless there is sufficient evidence that the health and/or safety of the children is jeopardized, in which case the licensing unit may seek an injunction to close the child care operation). If the license is scheduled to be renewed during the appeals process, the licensing office must process the application as if no administrative action is pending using an [alternate 90-day renewal letter](#) that references the pending revocation. The licensee will be required to comply with the requirement to submit an application and all necessary documentation 45 days prior to expiration.¹⁰² Once all of the materials in support of the renewal application have been received, the licensing office will notify the applicant that the application will be held until the conclusion of the appeals process. At the conclusion of the administrative process, the Department will take appropriate action based on the final order.

License Expiration

The Department shall renew the license upon receipt of the license fee and upon being satisfied that all standards required by ss. 402.301-402.319, F.S., have been met.¹⁰³ If, after the licensing unit has notified a provider of a pending license expiration (through the 90-day renewal packet and the 45-day letter), the licensing unit still receives no response from the provider, the licensing counselor must

¹⁰¹ Section 120.60(3), F.S.

¹⁰² 65C-22.001(1)(d), F.A.C. and 65C-20.008(3), F.A.C.

¹⁰³ Section 402.308(3)(d), F.S.

attempt an inspection to verify that child care is not being provided at the location. The licensing counselor should then follow up with a letter - sent by certified mail or delivered by hand - notifying the provider that the license has expired and the penalty for providing unlicensed/unregistered child care. See sample [facility](#) and [family day care home](#) letters.

License Processing Timeframes

The Florida Statutes establish strict timelines for processing of a license application, regardless of whether it is a new or renewal application. It is extremely important to track the following timeframes:

- Notifying the applicant of errors/omissions.** Upon receipt of an application for a license, the Department or local licensing agency shall examine the application and within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information. Licensing staff may not make substantial changes to the application; however, minor changes or corrections are acceptable at the request of the applicant, if properly documented. The Department or local licensing agency is permitted by law to require items such as background screening and training materials and fire department approval. A license cannot be denied for failure to correct an error or omission or to supply additional information unless the Department or local licensing agency notified the applicant within this 30 day period.¹⁰⁴ If the licensing unit fails to notify the applicant of errors or omissions within the required timeframe, the application must be considered complete.
- License approval/denial.** Every application for a license must be approved or denied within 90 days after receipt of a *completed* application. An application is considered complete upon receipt of all requested information and correction of any errors or omissions for which the applicant was timely notified (or when the time for such notification has expired).¹⁰⁵ If the provider has not met the licensure requirements by the time the 90-day time limit has expired, the licensing office must deny the license and the provider must re-apply.
- Change of Ownership.** The Department is required to grant or deny an application for a license that is the result of a change in ownership within 45 days of the date of a completed application.¹⁰⁶



Recommended practice...

Because it can often take the full 45 days for the licensing unit to process an application for a change of ownership, provide technical assistance to the current owner as soon as he or she mentions a potential sale of the business.

The “clock” for these timeframes begins on the date that the application was received by the licensing unit (based on the date stamp). For this reason, it is essential that an application be date stamped without delay as soon as *it is received by the licensing unit*. The “License Issue Date” (the end of the timeframe) is the date the Regional Administrator or designee approved the license, based on his or her dated signature on the re-licensure study or the license approval letter.

¹⁰⁴ Section 120.60(1), F.S.

¹⁰⁵ Section 120.60(1), F.S.

¹⁰⁶ Section 402.308(2), F.S.

License Changes

Some license changes require the submission of a new application and the issuance of a new license to operate a child care facility, family day care home, or large family child care home. Other changes relating to the operation of a child care program require notification to the licensing unit so that changes may be made to the provider's profile on the Child Care Information System (CCIS), but such changes may not necessarily require the submission of a new application or the issuance of a new license. The following procedures govern changes to the license certificate and provider profile. (See "[How to Handle Changes to License/Registration for System and File Continuity](#)" document in **Chapter 5: Systems**.)



Recommended practice...

Determine if the new owner intends to make any changes to the physical facility or staff. Discuss the impact these changes may have on the operation of the facility.

Changes That Require the Issuance of a New



Important Information!

Remember that the reduced indoor square footage requirement (20 vs. 35 square feet per child) transfers to the new owner as long as there is no gap in licensure.

Failure to apply for and obtain a license as the new owner of a child care facility is considered to be "operating without a license" and is a violation of s. 402.305(18), F.S., and subject to administrative action.

License

A license to operate a child care facility, family day care home, or large family child care home is not transferable from one owner to another or from one physical location to another. These types of changes require the submission of a new application to operate a child care facility, family day care home, or large family child care home, and the issuance of a new license. In addition, because the information included on the application must always be current and accurate, certain changes relating to the operation of the facility (licensed capacity and hours of operation) do not require a new application, but require the issuance of a new license.

Change of Ownership

A new owner of a child care facility is required by statute to apply for and receive a new license prior to the time he or she assumes responsibility for the facility. The Department is required to process (grant or deny) the application for the new license within 45 days from the date upon which the child care facility submits a *complete* application.¹⁰⁷ The notification requirements of s. 120.60, F.S., relating to incomplete applications/requests for additional information, apply to applications that are submitted as a result of a pending change in ownership (see the section in this chapter on "**License Processing Timeframes**").


Processing a Change of Ownership

In most respects, the steps for processing a change of ownership are consistent with the steps for processing an initial or renewal license. The processes differ, however, in that during a change of ownership, the existing owner maintains responsibility for the operation of the facility

¹⁰⁷ Section 402.308(2), F.S.

and for correcting any deficiencies until the effective date of the new license. In order for an application for a license to be issued to the new owner, the following must occur:

- An initial meeting with the new owner should be conducted at the licensing office. During this technical assistance visit, the prospective owner should be provided with: an application, a copy of applicable statutes and rules (for which they should sign an acknowledgement of receipt), and information regarding the resources available on the Child Care Program’s website (the provider guide, training information, statutes and codes, forms, fact sheets, brochures). Discuss the licensure requirements and provide the potential owner with an opportunity to review the licensing file of the facility they are considering purchasing.
- The new owner must submit a [license application](#) and submit all required (and related fees) for processing.
- A satisfactory fire safety inspection must be obtained. Any deficiencies must be corrected prior to issuance of the new license.
- The licensing counselor must complete a full on-site inspection. During this inspection, the facility must be re-measured to determine maximum capacity since renovations to the facility as well as changes in the use of space may have affected the licensed capacity. If possible, the inspection should be scheduled at a time when both the old and new owners can be present. Whether the change in ownership is final or not, the old owner is responsible for the correction of any violations since they are the license holder.
- One week prior to the transfer of ownership of a child care facility, the old owner is required to notify the parent or caretaker of each child of the impending transfer.¹⁰⁸ In order to meet this notification requirement, a child care provider must complete one of the following:¹⁰⁹
 1. Post a notice in a conspicuous location in the facility
 2. Incorporate information in an existing newsletter
 3. Distribute individual letters or flyers.
- A new license is issued in the name of the new owner and a new licensing file is created. The new provider starts with a “clean slate” and is not held responsible for any non-compliance on the part of the previous provider, nor is the public provided with access to inspections conducted under the previous ownership. The licensing component of the Child Care Information System, however, includes a mechanism that maintains these historical files.



CARES Reminder

The CARES includes a field for the previous license number. This provides a link to previous inspections for historical purposes.



Recommended practice...

Work closely with the new owner during the first few months of operation. This time period is crucial to the success of the program and to building a positive working relationship with the provider.

Once all of these requirements have been met, a new license may be issued in the name of the new owner. The current owner of the child care facility is responsible for the operation of the facility until the change of ownership application is processed, and the new owner is granted a

¹⁰⁸ Section 402.305(18)(a), F.S.

¹⁰⁹ 65C-22.001(2)(b), F.A.C.

license. In some cases, the sale contract may specify that the sale of the facility is contingent upon the purchaser being able to obtain a license.

Change of Location

- As previously stated, a license to operate a child care facility, family day care home, or large family child care home is not transferable from one location to another. The existing license was granted based on all licensing standards relating to the physical plant being met, which will need to be verified at the new location. That license certificate also specified a licensed capacity that was determined based on the square footage of the facility, which will need to be re-determined at the new location.
- If a facility plans to add a program that is physically located in a separate building with a different address (as determined by the local zoning authority), regardless of whether the space is purchased or leased, a separate license meeting all of the licensing requirements is needed for that program.

Processing a Change of Location

In most respects, the steps for processing a change of location are consistent with the steps for processing an initial or renewal license. In order for an application for a license to be issued at the new location, the following must occur:

1. A satisfactory fire safety inspection must be obtained prior to issuance of the new license at the new location. Any deficiencies must be corrected before a new license will be issued.
2. The licensing counselor must complete a full on-site inspection, including measuring the usable indoor floor space and outdoor play space.
3. A new license is issued for the new location and a new license number is created in the CCIS. Because the new program will have the same owner/operator, employees, and usually the same children, the licensing file will remain the same, thereby retaining the history.



Important Information!

Remember that the family day care home/large family child care home provider must reside in the location that is being used for the child care operation. He or she may not move to a different residence and continue to operate the home-based child care program at the original location.

Changes in Licensed Capacity

The capacity of a licensed child care facility is specified on the license certificate. Any change in the licensed capacity requires the issuance of a new license. A change in capacity does not require that a new application be submitted, but must be requested in writing and must be documented by an updated facility floor plan, square footage/[capacity calculation worksheet](#), and a written correction to the most recent license application that has been initialed and dated by the licensing counselor and/or the provider.

Hours of Operation

The license certificate of a child care facility, family day care home, or large family child care home includes the program's hours of operation. Any change to the hours of operation requires the issuance of a new license. Providers are not required to submit a new application upon a change in hours of operation; however, they should submit changes in writing or if notified during an inspection, by a comment on the inspection report. Such a change must be documented by a written correction to the most recent license application or chronological notes, initialed and dated by the licensing counselor and/or the provider. If there are varying hours of operation throughout the year and this is known at initial or renewal licensure, those hours can be reflected on the license.

Changes That Do Not Require the Issuance of a New License

Certain information that is included on the license application form is included both on the license certificate itself and on the provider's profile in the Child Care Information System (CCIS). In general, changes to the operation of a child care program that do not affect the information included on the license certificate do not require the submission of a new application. If the change only affects the information on the application and the provider profile (not the license certificate), the change must be documented in writing in the provider's file and the corresponding change made to the provider's profile in the CARES.

Change of Director

The owner of a child care facility is required to notify the licensing authority within five working days of the date that the facility either loses its credentialed director, or when there is a change in directors.¹¹⁰ This notification should be submitted in writing and maintained in the licensure file. At times, the Department is not made aware of a change in director until the licensing counselor arrives at the facility for an inspection. The name of the director should be noted on the inspection in the appropriate field *and corrected in the provider's CARES profile.*

Change of Services

A change in the services provided must be noted either by an initialed and dated notation on the most recent application or by a chronological note. *Corresponding changes must be made to the provider's profile in the CARES.*

Change of Substitute in Family Day Care Homes and Large Family Child Care Homes

If a designated substitute stops working for a family home for any reason (change of job, relocation, retirement, etc.), a new substitute must be designated. The written plan for the substitute must be updated and submitted to the licensing office within five working days of the change.¹¹¹

¹¹⁰ 65C-22.003(8)(a)4., F.A.C.

¹¹¹ 65C-20.009(2)(b)2, F.A.C.

Chapter 3: Registration

General Registration Requirements

An applicant must meet the following requirements in order to become a registered family day care home operator:

- Must be at least 18 years of age.
- Must provide care in his or her place of residence.
- May not work outside of the home during the hours of operation of the family day care home.
- Cannot provide care for more than 10 children, including those younger than 13 years of age, who are related to the operator (see **Important Information!** box below). The capacity of the home is further limited according to the number of children in each age group (see **Chapter 7: Capacity** for further information on calculating the capacity of a registered family day care home).
- Must meet initial and in-service training requirements described in **Chapter 18: Training** for registered family day care home providers.
- Must meet background screening requirements (see **Chapter 6: Background Screening** for specific requirements and procedures). Since care is provided in the home of the operator, all applicable members of the household and substitutes are subject to background screening requirements in order to ensure the safety of the children in care. Note: This does not include the 45 day provisional hire, which is facilities only.



Important Information!

To be consistent with what is defined as a “relative” per other programs in the Department, such as the Relative Caregiver program and ESS guidelines we use the specified degree of relationship in OP (175-79). The following excerpt from OP (175-79) defines the degree of relationship: ...**within the fifth degree of specified relationship shown below:**

- Brothers, sisters (including those of half blood)
- Aunts, uncles, nieces, nephews
- Grandparents, great-grandparents
- First cousins (and 1st cousins once removed)
- Relatives of a father whose relationship must be determined by a non-judicial determination of paternal relationship
- Stepbrother or stepsister (Note: The parent of a stepparent is not a specified relative)
- The natural and other legally adopted children and other relative of the adopted parents, as long as they are within the specified degree.
- Legal spouses of any persons named in the above group even though the marriage terminated by death or divorce.
- Individuals of preceding generations as denoted by prefixes such as grand, great-grand, great-great-grand.

Inquiries and Technical Assistance

Initial Inquiries

When a potential provider makes an inquiry to whether the services to be provided will be subject to licensure or registration, use the guidance provided in **Chapter 1: General Information** to determine the provider category that the potential applicant most likely falls within, and to provide general information regarding the requirements of that category. In addition, please refer the potential applicant to the Child Care Program's website at www.myflfamilies.com/childcare, including the "[Becoming a Registered Family Day Care Home Provider](#)" document.

Part of the general information provided will include the possibility of prohibition by local deed restrictions or neighborhood covenants that may affect the provider's ability to operate a family day care home.¹¹² Potential providers should be encouraged to contact their homeowner's association (if applicable) to determine if there are any restrictions that would be a barrier to moving forward.

If it is determined that the potential applicant wishes to pursue registration, staff should direct providers to review the information on the child care website by accessing the "[About Family Child Care Home Registration](#)" link.

To begin the initial registration process, potential provider must first submit an Intent to Apply using the following link: <http://www.surveygizmo.com/s3/3542299/Intent-to-Apply-Register-Family-Day-Care-Home> The Intent to Apply is used to gather basic demographic information and verification of completion of training requirements. Upon receipt of the Intent to Apply, the program office will review and respond to the potential applicant via email with follow-up instructions as applicable.

Technical Assistance

When a potential provider contacts the Program Office, and in situations where an applicant is unable to complete the application for registration, Child Care Regulation Program Office staff are available to provide additional technical assistance and reminders.

- **Registration requirements.** Applicable provisions of ss. 402.313, F.S.; current information regarding the registration requirements, and expectations of the provider.
- **Required approvals from other agencies, as applicable.** Potential questions that may be asked include: Is the water source for the home a well? If so, the well requires a permit from the DOH or DEP and the water needs to be tested.¹¹³ Is a fire inspection required locally? Is a business license required locally? It is the responsibility of the applicant to obtain necessary approvals from the appropriate local authority as applicable. Although other agency inspections/approvals are not a requirement of registration, they may be a requirement of legally doing business in the provider's location.
- **Health and Safety Checklist.** The suggested best practices provided on the [Registered Family Child Care Home Health and Safety Checklist \(CF-FSP Form 5274\)](#).
- **Background screening requirements.** The operator will be provided required information (ORI and OCA#, provider name as listed in CSIS, juvenile record check form as applicable, and

¹¹² Sections 125.0109 and 166.0445, F.S.

¹¹³ 64E-8, F.A.C.

instructions regarding how to set up clearinghouse account document) and advised to initiate the background screening process, including household members and substitutes, as soon as possible since this is a requirement for registration (see **Chapter 6: Background Screening** for background screening requirements).

- **Training requirements.** Refer potential applicant to Child Care Training Information Center (CCTIC) to register for courses and schedule exams. Determine if the potential applicant has successfully completed the required training.
- **Child Care Regulation Program website.** Refer to website if needed:
www.myflfamilies.com/childcare

Fees. The potential applicant will be reminded of the annual registration fee (\$25) and the background screening fees. Additionally, the applicant may be subject to inspection fees and/or business license fees from other agencies.

Types of Registrations

Annual Registration

A family day care home registration is effective for one year and must be renewed annually in order to remain operational.¹¹⁴

In 2006, the Legislature created two additional registration status categories for registered homes: provisional and probationary status registration.

Provisional Status Registration

The Department may convert an annual registration to provisional status when an applicant seeking the renewal of a family day care home registration is *unable* to meet all the standards provided for in s. 402.313, F.S., as long as they are making provisions to ensure the health and safety of children in care.¹¹⁵ *A provisional registration cannot be issued unless the registered home is in compliance with all background screening requirements.*¹¹⁶

- **The provider will be notified in writing of the specific reason(s) for the issuance of the provisional registration and the required corrective action(s) needed.** The notification will include specific statutory references relating to violation(s), corrective action due dates, and may include requirements relating to ensuring the health and safety of children in care during the period of the provisional registration.

¹¹⁴ Section 402.313(1)(a), F.S.

¹¹⁵ Section 402.309(1), F.S.

¹¹⁶ Section 402.309(2), F.S.

- **The provisional registration shall not be issued for a period in excess of six months.**¹¹⁷
The period of a provisional registration may not exceed the annual expiration date. The period of a provisional registration may be less than six months, and because a provisional registration can only be renewed one time, a *realistic* expiration date will be selected that allows sufficient time for the provider to come into compliance. The provider is not required to remain on provisional status for the entire period of the provisional registration. If the provider achieves compliance during the provisional timeframe - prior to the end date of the provisional timeframe, the registration will be changed from provisional to annual status with the original effective dates for the annual registration period.
- **A provisional registration may be renewed one time for a period not to exceed six months, under unusual circumstances beyond the control of the applicant.**¹¹⁸
Renewing a provisional registration requires extenuating circumstances. For example, a provisional registration may be renewed when a child care program is non-operational (due to hurricane or fire damage, etc.) and the provider is unable to obtain repairs within six months.
- **Converting a provisional registration back to an annual registration.** When a provider achieves compliance, the registration will be changed from provisional to annual registration with the original effective dates for the annual registration period. The expiration date does not change when the provisional registration reverts back to an annual registration. The effective date of an annual registration that is being reinstated after a provisional registration reverts back to the annual registration dates. If the annual renewal becomes due while the provisional registration is in effect, the annual renewal will be completed, but the status of the registration will be provisional for the remainder of the six month period. At the end of the provisional period, the operator must be in compliance or the next step of either suspension or revocation may occur.



Recommended practice...

Think of a provisional registration as a status of an annual registration, rather than as a separate registration. The combined period of the annual/provisional/annual registrations cannot exceed one year.

While there is no requirement to conduct periodic inspections of a registered home because it has been issued a provisional registration, child care staff must ensure that the home is making progress towards compliance and that the health and safety of the children in care are not compromised. The provisional registration may be suspended if it is determined that insufficient progress has been made toward compliance.¹¹⁹

Probationary Status Registration

A probationary status registration is issued for failure to comply with the registration requirements as part of progressive enforcement. The Department may convert a family day care home registration to probationary status and require the registrant to comply with the terms of probation. Unlike a provisional registration, converting a family day care home registration to probationary status is a disciplinary sanction. As a disciplinary sanction, the administrative action process must be followed, including a "Notice of Rights", which advises the operator of their right to request an administrative hearing.

¹¹⁷ Section 402.309(3), F.S.

¹¹⁸ Section 402.309(3), F.S.

¹¹⁹ Section 402.309(4), F.S.

- Like a provisional registration, a probationary status registration may not be issued for a period that exceeds six months and the probationary status registration may not be renewed.
- A probationary status registration may be suspended or revoked if it is determined by the Department that the probationary status registrant is not in compliance with the terms of probation or that the probationary status registrant is not making sufficient progress toward compliance with the registration requirements.¹²⁰
- If the annual renewal becomes due while the probation status registration is in effect, the annual renewal will be completed, but the status of the registration will be probation for the remainder of the six month period. At the end of the probation status period, the operator must be in compliance or the next step of either suspension or revocation will occur. If the provider achieves compliance, the registration will be changed from probation status to annual with the original effective dates for the registration period.
- In no case will a home be issued or allowed to continue to operate with a probation status registration if non-compliance adversely affects the safety of the children in care.

Initial Registration Processes

Effective August 2011, registration of family day care homes is a centralized function administered by the Child Care Regulation Program Office. Registration is completed through an application process designed to provide step-by-step instructions to ensure the operator has met the requirements to open a registered family day care home, and to ensure the application is complete with all necessary information prior to submission. The Child Care Program's website has been enhanced to include more details about the specific registration requirements, links to all the necessary forms, as well as FAQs. There is a \$25.00 annual registration fee for a family day care home.

Application Requirements

The [Application for Family Day Care Home Registration CF-FSP 5099](#) and the [Registered Family Day Care Home Application Checklist](#) which are both available to the public at www.myflfamilies.com/childcare must be submitted along with supplemental documents and fee.

The checklist document is useful as it lists all required documents that must be submitted along with the application in order for an application to be considered complete. Incomplete applications will be returned with instructions on what components are missing.

- **Be completed in its entirety.** The application must indicate either the "Confirmation of Statutory Confidential Status" or the "Release of Information (Non-Confidential)" status. A provider can only claim "confidential status" if he or she meets the statutory requirements. The phone number of each non-confidential provider will be displayed on the Child Care Program's website; however, the provider can request that his or her address not be displayed. This request is made by completing the appropriate portion of the "Release of Information (Non-Confidential)" section of the application.
- **Be signed by the provider.** The provider's signature on the application is proof of understanding and agreement to comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA), that they understand the statutory requirements for mandatory reporting of child abuse and neglect to the Florida Abuse Hotline, compliance with all background

¹²⁰ Section 402.310(1)(a)2., F.S.

screening requirements, the prohibition regarding smoking in registered family day care homes, requirements regarding proof of immunizations, pre-service and in-service training requirements, the early literacy training requirement, and the requirements relating to the Health and Safety Checklist and authorization for the Department to conduct a Child Abuse Hotline Records Search to determine if there are reports of abuse/neglect on the operator or household members.

- **Include the number of children served.**¹²¹ This information (total number of children, number of preschool children, and number of school-age children) is documented on the application and the Health and Safety Checklist.
- **Include proof of at least one other competent adult to be available to substitute for the operator in an emergency.**¹²² Ensure the potential substitute is 18 years and older and must be in compliance with the Background Screening requirements.
- **Include proof of screening and background checks.**¹²³ In order for the registration to be issued, there must be proof of background screening *clearances* on the operator/applicant, substitute, and all household members subject to screening.
- **Verification that immunization records are current.**¹²⁴ The operator's signature on the application is the attestation that current immunization records are maintained on all children in care and that the operator agrees to make copies available to the Department annually, or upon request.
- **Verification of successful completion of 30 clock-hours Family Child Care Home training, as evidenced by passage of a competency examination.**¹²⁵ A copy of the operator's child care training transcript at www.myflfamilies.com/childcare will be reviewed to verify this training requirement has been met.
- **Verification that each parent has been provided a copy of a completed Health and Safety Checklist.** Copies of the tear-off section of the checklist signed by each child's parent must be submitted for review at the time of renewal. For sibling groups, one tear-off is sufficient.
- **Verification of completion of early literacy training.**¹²⁶ The operator of a registered family day care home is required to complete 5 clock hours (or .5 continuing education units) of approved training in early literacy and language development of children from birth to 5 years of age prior to registration, and documented by a copy of the operator's training transcript or approved training certificate. A list of approved literacy courses can be found at www.myflfamilies.com/childcare.
- **Child Care Attestation of Good Moral Character (CF-FSP Form 1649A) for the operator and each household member who is 18 years of age or older.** The operator, substitute and household members must attest that they do not have a criminal record that includes any of the crimes listed in s. 435.04, F.S., using the correct version of the form that has been completed, signed in only **one** of the signature blocks, and dated. Completion of the AGMC is a one-time requirement unless a household member leaves the residence and returns after an absence of more than 90 days, or the substitute has a break in service longer than 90 days.

¹²¹ Section 402.313(1)(a), F.S.

¹²² Section 402.313(1)(a), F.S.

¹²³ Section 402.313(1)(a) and (3), F.S.

¹²⁴ Section 402.313(1)(a)7., F.S.

¹²⁵ Section 402.313(1)(a)6. and (4), F.S.

¹²⁶ Section 402.313(6), F.S.

Central Abuse Hotline Record Search (CAHRS)

A Central Abuse Hotline Record Search (CAHRS) must be completed annually on the operator, substitute, and all household members.

Sexual Offender Address Cross-Reference

At the time of initial registration and renewal, child care staff are required to cross-reference the address of the applying child care provider with the FDLE Sexual Offenders and Predators website in order to verify that a registered sex offender or sexual predator is not registered at the **exact** address on the application. This cross-reference process will occur *early* in the registration approval process so as to prevent unnecessary workload and to allow ample time for a potential remedy (i.e. if a “hit” is found for the address.)

1. Go to <http://web2.fdle.state.fl.us/offender/sops/home.jsf>.
2. Select “Offender Search”.
3. Select “Neighborhood Search”.
4. Enter the address of the child care provider and choose ¼ mile radius, which is the smallest vicinity range allowed for a search.
5. Child care staff shall confirm that no sexual offenders or predators reside at the **exact** address of the registered home by comparing the address of the registered home to the address of any known offenders listed in the search results.

If there is an **exact** address match, then child care staff will work with regional licensing and legal staff to take the appropriate action on the registration or application pursuant to chapter 402, Florida Statutes. In addition, if a sexual offender or predator resides at the **exact** address of the registered family day care home, child care staff will notify the county Sheriff’s Department or the chief of police of the municipality where the sexual offender or predator is residing.

Submission of Application

Immediately upon the applicant submitting the application for registration, the application will be reviewed and a provider profile entered into the CARES system with a temporary ID number. The temporary number will be used to process the fee payment in accordance with cash receipts policy. The application and all supporting documents received must be date stamped immediately by the front desk staff assistant and logged onto the mail log.

Full Response. If, upon review, it is determined that the application includes all of the required information and support documentation and \$25 fee, the application will be considered complete and the registration processed.

Partial Response. If the provider submits an incomplete application, child care staff will review and complete the following procedures:

- The applicant must be notified in writing within 30 days of receipt of the application (as determined by the system-generated date stamp of receipt) of any errors, missing information, or any shortfalls in meeting the registration requirements. This notification must

request what is required to complete the application within this 30-day window or the application must be considered complete (without the missing information).

- If there is no response to this notification, the applicant will be contacted by phone to determine if the home is operating without a registration.
- Once all deficiencies have been corrected, the application will be considered complete and the registration approved.

Review/Approval Process

Once the application is complete and all requirements met, including the payment of the \$25 fee, the registration will be approved.

An application for the registration of a family day care home must be approved or denied within 90 days of its successful submission. Once the registration application and supporting documentation has been reviewed and a final decision made regarding registration, the following steps must be taken to complete the registration process.



Important Information!

Registration Approval Date. The approval date of the registration is the day the registration was approved by the approval authority. *A new home may not care for children prior to the approval date of the registration but may begin to advertise as "registration pending."*

Naming Convention/Fictitious Name. Effective 8/24/04, regions were notified that the standard naming convention for family day care homes - "(Last name) Family Day Care Home" - is considered to be a fictitious name by the Secretary of State, Division of Corporations. Registration acknowledgements are issued using the following naming convention, "(First Name, Last Name) Family Day Care Home". If the provider wishes to continue using the old naming convention or use an alternate business name (Ex: Miss Betty's Babies), he or she must register the name with the Division of Corporations. The naming convention for purposes of the CCIS will continue to be, "(Last Name) Family Day Care Home."

Registration Denial

If the registration is being denied, the applicant must be notified in writing of the reason(s) for the denial within 90 days of submission of a completed application. This notification must include a "Notice of Rights", which advises the applicant of their right to request an Administrative Hearing.

Registration Approval

If the registration is approved, a dated Registered Family Day Care Home acknowledgement that notifies the provider of the identification number assigned and the registration period, must be issued to the provider. Note: It is important to obtain a working email from the provider as the primary mode of communication and the issuance of the confirmation letter is by email.

Upon approval of the registration application, the provider information in the CARES should be automatically updated. Staff must verify that the information transitioned correctly from the application into the provider's record in CARES. Remember to ensure that only the appropriate information is visible to the public. Note: The approval date of the registration is the day the

registration was approved by the Child Care Program Office specialists. A new home may not care for children prior to the approval date of the registration, but may begin to advertise as “registration pending.”

Determining the Renewal Date

The annual renewal date of the registration is the expiration date of the home registration. For example, if the registration expires on July 1, it must be renewed on or before July 1. The annual renewal date does not change when a provider is put on provisional or probationary status. For example, when a provider’s annual registration is reinstated after being on provisional or probationary status, it is replaced with an annual notice of registration confirmation with the original effective dates for the registration period.

Changes in Operation

Some changes relating to the operation of a family day care home may require the submission of a new application and the issuance of a new registration. Other changes require notification to the department so that changes may be made to the provider’s profile on the CARES, but such changes do not require the submission of a new application or a new issuance of the notice of registration confirmation with a new registration number and provider profile.

Changes That Require Re-Application

A family day care home registration is **not** transferable from one owner to another or from one physical location to another. These types of changes require the submission of a new application to operate a family day care home and the issuance of a new registration.

Processing a Change of Location

In most respects, the steps for processing a change of location are consistent with the steps for processing an initial or renewal registration. In order for a registration to be issued for the new location, a new application must be submitted for the new location and processed like an initial registration. Once all of the registration requirements have been met, a new registration may be issued for the new location.

Changes That Do Not Require Re-Application

Change in Services

A provider is not required to submit a new application upon a change in services (for example – hours of operation, infant care, offering of food, etc.) listed on the provider information page in CARES or for a change in household member or substitute, or a name change.



Important Information!

Remember that the family day care home operator under whose name the registration is issued must reside in the location that is being used to provide child care and must operate the program himself or herself. If he or she moves to a different residence, the home cannot continue to operate under a different person.

Renewal Process

Every family day care home registration must be renewed annually on or before the date of expiration in order to remain effective.¹²⁷ As with the initial application, the renewal application must be completed using the online application.

Reminder Notices of Expiration Date

Although the Department does not have the authority to *require* a timeframe for processing applications for registered homes, the Child Care Program Office notifies providers of the pending expiration of registration.

Sixty (60) days from the date of expiration, Child Care staff sends a reminder notice to each registered family day care operator who has not yet submitted an application, notifying him or her of the pending expiration and the Department's authority and intent to exercise its enforcement authority over those providers found to be operating without an active registration. If no response is made to the 60-day notice, a second notice is sent 30 days prior to expiration, and a third and final notice is sent along with an attempt to contact the provider via phone 15 days prior to expiration if the provider has not responded at that time.

Each notice clearly states the requirements for renewing the provider's registration and specify timeframes. At a minimum, the renewal notice will address the following:

- **Background screening forms.** The operator will be provided access information that links to the forms necessary for [five year re-screenings](#) for all household members, substitute(s) including juveniles; new [juvenile screenings](#), or [new adult household members' screenings](#).
- **A link to the current Affidavit of Good Moral Character form ([CF-FSP Form 1649A](#))** for all new adult household members and substitute(s).
- **Deadline for renewal.** The provider is notified that the registration must be processed on or before the expiration date of the current registration in order for the registration to remain active.

¹²⁷ Section 402.313(1)(a), F.S.

If the registration is allowed to lapse and the provider has not notified the department that he or she does not intend to renew the registration and is no longer providing child care in their home, steps must be taken to ensure that the provider does not continue to operate without an active registration. Each registered family day care home that does not submit a renewal application must be closed and issued a "Notice of Closure" letter. Forward the closure letter to the regional field office that covers the county where the registered home was located, and request that staff make a site visit to ensure the provider is not continuing to operate and report back to program office with their findings.

Processing the Registration Renewal

An application for renewal must be processed on or before the date of expiration. Once all of the renewal requirements have been met, as with the initial registration process, the renewal application and supporting documentation will be reviewed to determine if the renewal application is processed.

Registration Renewal/Denial

Once the child care office has made a decision regarding the renewal, the same steps must be taken regarding registration approval/denial as were taken during the initial registration process (see the section in this chapter on "Registration Approval").

Processing a Renewal during Administrative Action

In most cases during a pending revocation action, a registered operator will be allowed to continue to operate under the current registration until the conclusion of the appeals process, unless there is sufficient evidence that the health and/or safety of the children is jeopardized, in which case the Child Care Program Office working through the regional licensing and legal office may seek an injunction in circuit court to close the child care operation. If the registration is scheduled to be renewed during the appeals process, the Child Care Program Office must process the application as if no administrative action is pending using an alternate 60-day renewal letter that references the pending revocation. The registrant will be required to comply with the requirement to submit an application and all necessary documentation prior to expiration. Once all the materials in support of the renewal application have been received, the Child Care Program Office will notify the applicant that the application will be held until the conclusion of the appeals process. At the conclusion of the administrative process, the department will take appropriate action based on the Final Order. Note: Any Administrative Action fines must be paid prior to renewing the registration.

Notice of Closure Action

If by the expiration date the child care office still receives no response from the provider (after the child care program office has notified the provider of a pending expiration through the 60-day renewal notice and 30 day follow-up notice), the registration shall be considered to be expired. The Child Care Program Office must follow up with the provider in the following manner:

- Send a "Notice of Closure" letter notifying the provider that the registration has expired and the penalty for providing unregistered child care. Ensure the local licensing unit is included in the email.
- If it is determined that the provider continues to provide care, although his or her registration has expired, the region must issue a "cease and desist" letter.

- **Additional Tips:** Ensure all information and correspondence with any provider is put in the scan file and the physical file. Ensure any telephone contacts with the provider are recorded on the chrono notes in the provider scan file.

Chapter 4: Inspections

Right of Inspection

The Department conducts inspections for every type of licensed child care provider, including Gold Seal and School Readiness providers. Licensed exempt providers are also inspected by the Department if they participate in the School Readiness program or hold a Gold Seal. Licensed providers must allow the Department or the local licensing agency access to facilities, personnel, and records at reasonable times and during regular business hours.¹²⁸ They also must not interfere with or prevent licensing from copying records, photographing or recording a location or activity on the premises as documentation for the inspection.¹²⁹ Application for a license or renewal or advertising the provision of child care to the public constitutes permission for entry and inspection of the child care program premises. The right of entry and inspection also extends to any premise which the licensing authority has reason to believe is being operated or maintained as a child care facility without a license or exemption.

However, in the case of an illegal operation, the licensing authority must either have the permission of the person in charge of the premises or authorization in the form of a circuit court order prior to entry or inspection. The Department or local licensing agency may institute disciplinary proceedings pursuant to s. 402.310, F.S., for refusal of entry¹³⁰ (see **Chapter 12: Enforcement** for further details).



Reminder

When inspecting a home-based child care provider (licensed family day care home or large home) remember that as the licensing authority, the counselor has the right and the responsibility to inspect the entire premises, not just those areas used for the child care program. Sensitivity and professionalism should be used to help the provider feel more at ease during the inspection.

Types of Inspections

There are eight types of inspections, each of which must be completed in CCRA and uploaded in to the CARES system. These types of inspection reports are as follows:

- Initial Inspection
- Routine Inspection
- Abbreviated Inspection

¹²⁸ Section 402.311, F.S.


¹²⁹ FDCH/LFCCCH Handbook Section 9.1 and Child Care Facility Handbook Section 8.1

¹³⁰ Section 402.311, F.S. and 65C-20.012(4), F.A.C.

- Renewal Inspection
- School Readiness Inspection
- Gold Seal Exempt Inspection
- Re-inspection
- Complaint Inspection

Initial Inspection

The initial inspection is an on-site visit that takes place during the initial licensure process. Unlike other types of inspections, the initial inspection is conducted by appointment at the convenience of all parties involved. Compliance with all applicable items on the inspection checklist must be verified and all findings of non-compliance resolved prior to licensure. For this reason, this inspection may actually include an initial inspection as well as several follow-up re-inspections.




CCRA Reminder

Use the "Initial Inspection" report type in the Licensing Application.

The initial inspection report is to be held on the counselor's laptop (i.e., not uploaded) until all non-compliant items have been corrected and the applicant is ready to become licensed. This is considered a working document used to give technical assistance prior to licensing. A printed copy is maintained in the file to document the counselor's work with the applicant prior to licensing. At the time of licensing, this inspection report is uploaded and approved in CARES and must reflect the final inspection date all items are in compliance. The first inspection report that appears on the Child Care Program's website should show all items in compliance unless a provisional license is being issued for a non-compliance of standard(s) beyond the control of the provider.

Routine Inspection

A routine inspection is an on-site unannounced inspection during which compliance with all applicable items on the inspection checklist is verified, unless an abbreviated inspection is being conducted (see below). A routine inspection may result in findings of non-compliance, in which case a re-inspection must occur. Routine inspections should include a file review of all new personnel and all newly enrolled children since the last routine or renewal inspection.




CCRA Reminder

Use the "Routine Inspection" report type in the Licensing Application.

Abbreviated Inspection

As part of the 1996 WAGES Act, the Florida Legislature directed the Department and local licensing agencies to develop and implement an abbreviated inspection plan for child care facilities that have had no Class I or Class II deficiencies, as defined by rule, for at least two consecutive years. The Department and the local licensing agencies identified those elements of the inspection that were key indicators of whether the child care



CCRA Reminder

Use the "Abbreviated Inspection" report type in the Licensing Application.

facility continued to provide quality care and programming.¹³¹ These items are included on the abbreviated inspection report in the Licensing Application. All elements that are not key indicators are pre-populated with the “not monitored” designation and will not appear in the written report document or on the Child Care Program’s website.

An abbreviated inspection is an on-site unannounced routine visit, during which compliance with only those items on the abbreviated inspection checklist is verified. An abbreviated inspection is the “right” of the provider and should be conducted if a facility has no Class I or Class II violations within the past two years. If, during the abbreviated inspection, an item not on the abbreviated checklist is found to be out of compliance, a full routine inspection must be conducted. While an abbreviated inspection may be conducted instead of a routine inspection, **the renewal inspection may not be an abbreviated inspection.**

Renewal Inspection

Prior to the submission of the renewal packet for approval, the licensing counselor must complete a full on-site renewal inspection. A renewal inspection includes a file review of all personnel files and all children’s files or a partial review documenting which files were reviewed at the time of the renewal inspection. If a partial review is conducted, prior routine and/or abbreviated inspections must complete a total review of all personnel and children’s records within the licensure year. Below are the three options that Regions can choose from to ensure record reviews are conducted in accordance to the chosen option and are comprehensive throughout the Region:

- 1st inspection – 1/3 of children’s files and any new files since the last inspection.
2nd inspection - 1/3 of children’s files and any new files since the last inspection.
Renewal inspection – 1/3 of children’s files and any new files since the last inspection.
- 1st inspection – ½ of the children’s files and any new files since the last inspection.
2nd inspection – ½ of the children’s files and any new files since the last inspection.
Renewal inspection – any new files since the last inspection.
- 1st inspection –any new files since the last inspection.
2nd inspection – any new files since the last inspection.
Renewal inspection –all children’s files.

Regardless of which option is chosen or how the counselor decides how to portion out the review of files, at each inspection new children files must be reviewed.

Renewal inspections should be conducted in sufficient time to allow for corrective action and re-inspection prior to renewal. Corrective action timeframes can extend beyond the expiration date of the renewal. In this case, a provisional license should be issued. During this inspection, the counselor should discuss all revisions to the child care statutes and rules that have occurred during the previous licensure year (or that will go into effect soon). Make a notation to document technical



Important Information!

If a child care facility receives reduced inspections because they operate less than 12 months a year, they cannot receive abbreviated inspections.



CCRA Reminder

Use the “Renewal” report type in the Licensing Application.

¹³¹ Section 402.3115, F.S.

assistance provided and get the owner/director's signature as evidence of notification of these changes.

School Readiness Inspection

In Florida the Office of Early Learning (OEL) is the lead agency for the federal funding and administration of the SR (School Readiness) program. In partnership with OEL, the Office of Child Care Regulation (OCCR) has entered into an agreement to inspect SR standards. This partnership was established because OCCR has the existing infrastructure and equipment to conduct monitoring inspections and licensing counselors are considered the 'experts' with regards to health and safety. The agreement includes an annual SR inspection for each provider participating in the SR program, any follow-up re-inspection and complaint inspections as necessary. The rule establishes the Department of Children and Families or local licensing agency as the monitoring entity for SR standards established in three handbooks that are incorporated by reference in the rule for each provider type that is eligible to participate in the SR program.

- [OEL-SR-6202 School Readiness Program Health and Safety Standards Handbook for Licensed, License-Exempt and School-Age Center-based Programs](#)
- [OEL-SR-6204 School Readiness Program Health and Safety Standards Handbook for Public and Non-public School Programs](#)
- [OEL-SR-6206 School Readiness Program Health and Safety Standards Handbook for Family Child Care Homes and Informal Providers](#)

Provider Types eligible for SR

There are two categories of provider types that can participate in the SR program:

1. Licensed/Regulated programs include: Licensed Child Care Facilities, Licensed Family Day Care Homes, Licensed Large Family Child Care Homes and Religious Exempt Gold Seal Facilities. If a SR standards is observed for licensed/regulated programs during an inspection other than the program's renewal inspection, staff must cite the violation and follow up for corrective action if the violation was not corrected during the time of inspection.
2. License exempt programs include: Religious Exempt facilities, Public/Non-public Schools, Registered family Day Care Homes and informal providers.

SR Standards

OEL developed the SR standards to closely mimic the already existing licensing standards. Therefore, a majority of the standards listed on the facility/home classification summaries are both a DCF and SR standard. However, there are several standards that are SR only. These standards are:

- SR Preservice Training. Preservice training refers to the training requirements completed prior to unsupervised contact with or care of children in a facility participating in the School Readiness Program, or within 90 days of employment at a program facility provided the staff member is not allowed unsupervised contact with or care of children prior to

completion of preservice training requirements. There are two options for completion of preservice training.

1. DCF Training Courses - Health Safety and Nutrition (8hrs); Identifying and Reporting Child Abuse and Neglect (4hrs); Child Growth and Development (6hrs); and Behavioral Observation and Screening (6hrs) for a total of 24 hrs. Completion of these courses includes successfully passing the corresponding competency based exam. If child care personnel in a licensed child care facility/home choose this option please advise that they are still required to complete all 40 hrs and the Early Literacy requirement with the appropriate timeframes established in the handbooks.
 2. Early Learning Florida (ELFL) Training Modules – Health and Sanitation; Safety of the Environment; Precautions in Transporting Children (if applicable – if the SR program provides transportation services); Safe Sleep Practices (not required for school-age only programs); Child Safety and Prevention; Planning for Emergencies; Preventing Child Abuse and Supporting Children in Trauma; and one of the Supporting Social-Emotional Development modules. If child care personnel in a licensed child care facility/home choose this option please advise that they are still required to complete all 40 hrs and the Early Literacy requirement with the appropriate timeframes established in the handbooks
- Group Size. Group size refers to the maximum number of children, by age, that can be in a single classroom at any given time. Additionally, any time the ratio of a group requires more than one child care personnel, one of the personnel must possess an active staff credential. Group size requirements are not applicable during outdoor play or sedentary activities for school-age only programs. The active credential requirement does not apply when the children are napping/sleeping and/or dining. The active credential related to this standard becomes effective on October 25, 2018.

Gold Seal Exempt Inspection

Licensing staff are to conduct onsite inspections for license exempt Gold Seal providers. Effective July 2015, 65C-22.009, F.A.C. was updated with standard procedures for issuing Gold Seal to include submission of an application along with verification of accreditation and a review of the program's violation history. The new application includes an agreement for license-exempt programs to accept periodic inspection by the Department. This inspection template includes a majority of the standards used for licensed child care providers minus a few that are not applicable to an exempt program.

The inspection frequency is three (3) times per year and must be conducted during the program's operating hours to monitor for minimum health and safety standards established in sections 402.301-402.319, Florida Statutes, and Chapter 65C-22, Florida Administrative Code. Use the Gold Seal Inspection Report in CARES to manage the inspection windows for conducting these inspections.

The initial inspection must be a scheduled visit. Use this opportunity to introduce yourselves to the provider and to establish a positive professional rapport. During this visit staff will measure the facility, explain the standards and offer technical assistance for requirements that are new to the provider such as capacity, discipline, training, and staff/director credentials



CCRA Reminder

Use the "Gold Seal" report type in the Application for exempt programs.

Re-Inspection

A re-inspection is a follow-up inspection that is conducted as a result of a finding of non-compliance during a previous inspection. A re-inspection is required for every finding of non-compliance to ensure that corrective action has been completed. Re-inspections must be completed as early as 1 business day after the violation corrective action due date, but no later than 10 business days. A re-inspection generally includes only those items that were in non-compliance during the previous inspection, unless:

1. The re-inspection occurs during the timeframe (the 45-day "window") that a routine inspection is due. In this case, a full routine inspection should be completed in addition to the re-inspection report.
2. If additional non-compliant items are observed during the re-inspection. In this instance, the licensing counselor can add just the items that are non-compliant (the most common method) or can conduct a full routine inspection if necessary/applicable.



CCRA Reminder

Use the "Re-inspection" report type in the Application.

Complaint Inspection

A complaint inspection is an on-site investigation that is conducted as the result of a reported violation of the child care standards (ss. 402.301-319, F.S., OEL-SR-6202, 6204 and 6206). The purpose of the complaint investigation is to determine whether the allegations can be substantiated. A complaint inspection generally includes only those items on the inspection checklist that relate to the complaint allegations, unless additional non-compliance items are observed during the inspection. In this case, additional standards may be added or a full routine inspection can be conducted if necessary/applicable.



CCRA Reminder

Use the "Complaint" report type in CCRA.

A complaint investigation may require more than one on-site inspection. A complaint inspection must be uploaded to the CARES, but only appears on the Child Care Program's website if the inspection shows noncompliant standards. The date the complaint was received and completed must be documented in the complaint inspection report. If there is a joint abuse/neglect investigation, the complaint should not be completed until the protective investigation is also completed. The 10-day archiving standard for a complaint begins at the completion date rather than the inspection date (see **Chapter 9: Complaints** for full details on conducting a complaint investigation).

Background screening complaints for school readiness programs should be handled similarly to complaints for religious exempt programs or summer camps. Complaints related to abuse/neglect need to be called into the Florida Abuse Hotline (see **Chapter 6, Background Screening, Chapter 7, Abuse/Neglect and Chapter 9, Complaints** for more details).

For registered family day care homes and religious exempt facilities who don't provide school readiness or have a Gold Seal designation, the complaint inspection is the only format available in the CCRA.

Frequency of Inspections

Licensed Providers

Licensed child care facilities are required to have one renewal inspection and two routine inspections during the licensure year (or approximately one every 4 months). Licensed family day care homes and large family child care homes are required to have one renewal inspection and one routine inspection during the licensure year (or one approximately every 6 months). All inspections must be full on-site inspections unless the provider qualifies for an abbreviated inspection (facilities only), is inactive, or the program operates for less than 12 months of the year (see below for more information on inactive providers).

Licensed renewal and routine licensure inspections must be completed within 45 days prior to the inspection "due date," which is established based on the required interval between inspections (i.e., no earlier than 45 days prior to the "due date," and no later than the date that the inspection is due).

Licensed Non-Operational Providers

There are times when providers may not be operating and caring for children, but wish to keep their license. For example, a provider may want to maintain his or her 20 square feet status or a family day care home operator may need to temporarily work outside the home. The provider must notify the Child Care Licensing office, in writing, that the program is going to be non-operational for a period of time. The "in writing" requirement may be met by a statement on the application which is submitted annually, within an inspection report (which contains the provider's signature), or in a letter submitted by the provider. A non-operational child care facility must be inspected three times (the same as a licensed operational provider); however, one of the two routine inspections may be a telephone contact to verify the provider's non-operational status. If the provider maintains a non-operational status, the second verification of this status must be completed via on-site confirmation during the second routine inspection window. Verification of the non-operational status of a family home (licensed or large) requires an on-site visit. When monitoring an inactive provider (either by phone or on-site), a full inspection is not required during the inactive period. For details regarding items to be monitored during the inspection of an inactive provider, see Child Care Policy Memo "[Inspections of Inactive Providers](#)" (December 20, 2004).



CARES Reminder

The provider information page in the inspection report must be coded as "non-operational" using the appropriate category and a statement similar to the following to explain why the inspection was not conducted on-site or why it is not a full inspection: "The program license is current; however, children are not currently in care."

There is no limit to the length of time providers may remain inactive as long as they comply with licensing standards.

Licensed Programs That Operate Less Than 12 Months

Some child care programs are closed for a portion of the licensure year (for example, a seasonal program for children of migrant farm workers, a “school year only” program, or Head Start program may be closed during the off-season or the summer). The provider must notify the Child Care Licensing office, in writing, that the program is going to be inactive for a period of time. The “in writing” requirement may be met by a statement on the application which is submitted annually, within an inspection report (which contains the provider’s signature), or in a letter submitted by the provider. A licensed child care facility that operates less than 12 months of the year must be inspected three times; however, one of the two routine inspections conducted during the licensure year may be conducted via telephone contact during the time period that the program is closed.



CCRA Reminder

Counselors may choose “Not Monitored” under the “Quick Fill-In” option. The inspection report must include a statement similar to the following to explain why the inspection was not conducted on-site or why it is not a full inspection: “The program license is current; however, children are not currently in care because the program is closed during the summer months.”

If this option is exercised, the provider’s licensing file must include documentation of supervisory approval. The decision to conduct an inspection via telephone rather than on-site should be made on a case-by-case basis, based on the provider’s compliance history, longevity of the program, and specifics of the program that may impact the protection of children in care and the supervisor’s approval must be obtained.



Important Information!

It is very important to make contact during the time period that the facility is scheduled to be closed. The program may have resumed operation and forgotten to inform the licensing office or another program may be using the facility in the “off season.”

Provisional License

Depending on the type of non-compliance, a provider that is on provisional status may warrant more frequent inspections. In general, non-compliance issues for situations that are beyond the control of the operator (fire inspections) do not require monthly inspection, but require continued contact to monitor the process. Provisional status for the Director Credential requires monthly contacts, not necessarily on-site visits.

Probationary Status License

This license is used for situations that are within the control of the provider. This type of license is used as part of progressive enforcement and monthly inspections should be conducted. Additional oversight is needed for probation status licenses to assure compliance and to protect the health and safety of children.

School Readiness Providers

School Readiness providers, both licensed and exempt, will be inspected annually.

For existing licensed programs, the SR inspection will occur along with the program's yearly renewal inspection. For licensed programs that are requesting a new SR contract, the ELC will utilize the latest routine or renewal inspection to execute the contract. Once the contract is executed, program office will update the provider's profile in CARES to show that the SR designation is active including the contract expiration date.

Exempt providers that are requesting a new SR contract require a pre-contractual SR inspection. Regions will be notified when an exempt provider has applied to become SR with the request to complete the pre-contractual SR inspection. The region must assign the program to a counselor and proceed with scheduling the inspection visit. The counselor will need to call in advance to schedule their first visit and will include the facility measurement of all classrooms, not just SR rooms. For public/nonpublic schools it will be important to ask what program is included in their SR contract, as SR does not apply to the school's academic day. Send a follow-up email to confirm the appointment and ask the provider to prepare the floor plan and complete the SR personnel demographic form. Please instruct providers NOT to transmit the completed form via email as it contains confidential information and the completed information will be collected during the first onsite visit. Document all the information that is covered during this visit on the inspection report. Observations of noncompliance should be documented as technical assistance, letting the provider know specifically which standard is being violated, suggest corrective action measures, and establish the expectation for compliance by the corrective action deadline. Pre-contractual SR inspections must be handled in the same manner as initial inspections; all items must be compliant before the inspection is uploaded. Document on the inspection each site visit in the additional dates section. Once the inspection is uploaded, the appropriate ELC (or contracted agency) will be notified via an automated email from the CARES system that the inspection has been completed. The inspection must be completed within a 45 day period from the time the region was notified.

The ELC will then notify the program office that the program's SR contract has been executed and program office staff will update the provider's profile in CARES to show that the SR designation is active including the contract expiration date. Note: All contracts expire at the end on June 30 each fiscal year unless terminated by the ELC on an earlier date. Use the School Readiness Inspection report in CARES to manage these inspections to ensure at least one SR inspection is completed during the contract year. Pay close attention to the SR programs on your caseload that are Public/Non-Public schools to ensure the one inspection is conducted during the school year while children are in care.

License Exempt Gold Seal Providers

License Exempt Gold Seal providers are required to be inspected on-site. The first inspection will be an "initial" inspection followed by subsequent visits similar to licensed providers. Unlike licensed programs, however, the date of the first inspection will be the date used to establish subsequent inspection windows for the year and will need to be tracked manually.

The Inspection Process

Each counselor is assigned a caseload for which he or she is responsible. The counselor's responsibilities relating to inspections include:

- Ensuring that all inspections are conducted in a timely manner and at the required frequency and the 45-day policy (see below).
- Ensuring that the 45-day policy is followed for licensed programs.
- Ensuring that all corrective actions are completed in a timely manner.
- Implementing progressive enforcement measures for licensed providers in the event of repeated non-compliance and reporting SR non-compliances to the Office of Early Learning (OEL).



Recommended practice...

Caseloads should periodically be rotated. This allows a child care program to be evaluated from a fresh point of view and also limits the perception of partiality as a result of a licensing counselor becoming overly familiar with the provider.

There are times when it is necessary for an inspection to be completed by someone other than the counselor to which the provider is assigned (for example, during an extended sick leave or maternity leave). The unit supervisor is responsible for assigning work and setting priorities in such an instance. When the counselor leaves the Department, the caseload must be assigned to another counselor or the supervisor must take responsibility for it.

Scheduling the Inspection

"Scheduling the Inspection" does not mean that the counselor should make an appointment with the provider. The word "scheduling" is instead used to mean caseload planning to ensure that inspections are conducted in a timely manner with regard to the required frequency and that inspection times are varied so that a full array of operating times (opening, closing, evening care, weekend care, and peak enrollment times such as after school) and activities (meal time, nap time, and outdoor activities) are observed.

Except for the initial inspection and an inspection for change of ownership most inspections will be an **unannounced visit**. An exception to this would be for a domestic violence child care program as these sites are highly confidential and secure for the protection of the victims and their children. Counselors will need to coordinate with the child care program in advance and adhere to the programs protocol for entrance.



CARES Reminder

Use the "Management Planning 45-Day Report" in the Web Portal to determine the date range during which an inspection can be conducted. This report is available in Excel and can be sorted by counselor and used for inspection planning purposes.

Preparing for the Inspection

Prior to an inspection, the licensing counselor should review the provider's file to note areas of concern from the last inspection. Any areas of concern, particularly trends in non-compliance, should be discussed with the unit supervisor.

Before leaving the office, the licensing counselor should:

- Review the provider's compliance history and consider the next step necessary if the previous non-compliance continues.
- Determine if the provider is Gold Seal and/or School Readiness.
- Check the pending non-compliance report for any outstanding corrective actions. They must be closed using a re-inspection report.
- For a licensed facility or large home, review the provider's compliance history to determine if any licensure violations that resulted in disciplinary action have occurred within the past year. If so, notice of the violation must be posted with the license.
- Bring the floor plan/site plan to the inspection. This will enable you to easily identify any changes that impact usable square footage.
- Print a copy of the provider information page for each provider being inspected. This can be reviewed on-site with the provider in order to verify and update information included in CARES.
- Print a copy of the most recent version of the "Guide to the Inspection Process" for the type of provider being inspected for reference during the inspection.
- For homes, review the household composition to determine if any household member will be reaching a significant age for background screening prior to the next inspection.
- Ensure that the CCRA and CARES database is updated and that all equipment is charged and in working order.



Recommended practice...

Each counselor should create and maintain a "Field Pack" that includes the following:

- A supply of current versions of all forms, brochures, and fact sheets.
- Equipment (printer and cords, measuring tape, calculator, light meter, thermometer, camera).
- General supplies (road map of area, extra batteries, paper, and ink cartridge for printer).

Conducting the Inspection

All inspections must be uploaded in CARES using the CCRA Licensing Application. A manual inspection (using a printed version of the Licensing Application inspection checklist) is only appropriate due to equipment failure and must still be entered into the CCRA Licensing Application upon returning to the office.

The following steps must be completed once the counselor has arrived at the facility or home for the inspection:

- **Identify yourself and enter the facility/home.** Explain who you are and why you are there. Always have the Department of Children and Families picture identification and business cards available as proof of identity.
- **Ask to meet with the owner/director/operator.** If the owner/director of the facility or the operator of the home is not the first person encountered upon entering the premises, ask that he or she be notified of your presence. Request that the owner/director (or his or her designee) or operator meet with you in order to initiate the inspection process.



Recommended practice...

When inspecting a home-based provider, be mindful of the fact that a baby may be sleeping. Knock first and ring the doorbell only as a last resort.

- **Update provider information.** Ask the provider to review a printed copy of the provider information page from the CARES and document any changes as you complete the physical inspection.

- **Conduct a “walk-through” of the premises.** Suggest that the owner/director of a licensed child care facility (or his or her designee) or operator of a home accompany you during this phase of the inspection. **Do not** allow the operator of a family day care home to leave children unsupervised during the inspection. If he or she wishes to accompany you, be prepared to bring all of the children along. If the provider elects not to accompany you, notify him or her that you will review the findings during the exit interview. Before commencing the walk-through, review the sign-in sheet (facility only) to determine how many children are documented as being present. It is important that this information is consistent with the number of children observed during your walk-through. Conduct a thorough inspection of each item on the inspection checklist (see the appropriate “**Guide to the Inspection Process**” in Appendix B for detailed requirements for each item on the inspection checklist).



Recommended practice...

During the walk-through, make the provider aware of issues that may require attention prior to the next inspection. For example, carpet or diaper-changing mats that are beginning to show signs of wear may become violations by the next inspection.

- **Conduct file reviews.** Review the provider’s personnel files and children’s files (see the appropriate “**Guide to the Inspection Process**” in Appendix B for detailed file review requirements).

- **Document all findings in detail.** Record all findings thoroughly and accurately on the inspection report. Findings must be identified as “Compliance,” “Non-Compliance,” “Not Monitored,” or “Not Applicable” (see the appropriate “**Guide to the Inspection Process**” in Appendix B for details regarding the proper use of each of these alternatives). If citing a provider for non-compliance, the finding must include a description in clear terms of the violation. If referencing a child or staff member, their full name may be used on the supplemental form or summary complaint report. Rather than including confidential information on the inspection report itself (for example, information regarding children’s immunizations), include that information on a supplemental sheet that may be referenced on the inspection report. However, confidential information on the supplemental form and summary complaint report must be redacted prior to review by the public. Any standards marked “not monitored” must have a comment to explain why the standard was not observed. (See Child Care Policy Memo [“Information Documented on Supplemental Form”](#), January 2, 2008).



CCRA Reminder

Standard licensing violation descriptions have been developed to facilitate the efficient and appropriate documentation of areas of non-compliance and recognition for areas of compliance.

- **Determine corrective action due dates.** If any item on the inspection checklist is found to be out of compliance, the provider must be given an appropriate amount of time to correct the deficiency. Based on the Auditor General’s recommendation to establish guidelines for corrective actions, the following general guidelines are provided:

1. Class I Violations: recommended corrective action timeframe is “At Time of Inspection (ATI)”

2. Class II Violations: recommended corrective action timeframe is ATI up to 10 days
3. Class III Violations: recommended corrective action timeframe is ATI up to 30 days



Recommended practice...

The corrective action due date should not give more time for compliance than the statute allows.

For purposes of consistency the counselor should attempt to comply with the recommended corrective action time frames.

Since the recommended time frames for compliance are flexible, counselors are encouraged to align the due dates for Class 2 and 3 violations to one date when possible. Additionally, there are circumstance where these corrective action due dates should be revised based on the nature and severity of the violation and the amount of time that it will realistically take the provider to correct the deficiency. For example, a deficiency that poses an imminent threat to the health and safety of the children in care must be corrected immediately, whereas a violation relating to required training will require more time to correct. Violations that are corrected during the inspection should still be identified as “Non-Compliance” on the inspection report and the correction noted. Corrective action dates may be negotiated with the provider when possible, but not when the health or safety of the children in care is jeopardized.

- **Update personnel information.**
- **Update and verify staff credential and enrollment data.**
- **Document all technical assistance provided.** Include a comment either under the checklist item to which it relates or in the “Counselor Comments” section at the end of the inspection report.
- **Add summary comments (optional).** Using the “Counselor Comments” function, add an appropriate summary of the inspection. This is a good opportunity for positive reinforcement, but use caution and professionalism when writing this section of the report.
- **Conduct an exit interview.** For a child care facility, the exit interview should be conducted in an office or empty classroom in order to limit interruptions. Because it may be difficult to avoid interruptions in a family day care home, it is appropriate to offer an additional exit interview via telephone. Discuss the results of the inspection thoroughly with provider (or his or her designee), providing both positive feedback and technical assistance regarding deficiencies. Notify the provider of any required corrective actions and the due dates. Provide a corrective action statement (optional) to facilitate the provider documenting and notifying the licensing office of completion of the corrective action. Answer any questions that the provider may have regarding the inspection or the required corrective actions. Offer the provider an opportunity to make a comment regarding the inspection using the “Director Comments” function.
- **Review and check spelling.** Read the inspection report (including comments and the supplemental page) for correct spelling and grammar. Use the “spell check” tool prior to printing the report.
- **Issue a Notice of Administrative Action.** If the non-compliant item is a repeat violation that has met the threshold for a disciplinary sanction as outlined on the [Progressive Disciplinary Matrix](#), the licensing counselor may issue a Notice of Administrative Action at the time of the inspection or mail it at a later date, depending on region procedures (see **Chapter 12: Enforcement** for details). Prior to issuing a Notice of Administrative Complaint, (the form currently in the Licensing Application), counselors should seek advice or approval from their supervisor.

- **Obtain the provider’s signature on the inspection report and provide a signed copy of the inspection for the provider’s records.** The signature of the provider indicates that he or she has received a copy of the inspection - not that they agree. Notify the provider that the inspection will appear on the Child Care Program’s website within 10 days. In addition, it is a good practice to leave a business card with the provider. Your signature may not be as legible as you think!



CCRA Reminder

Allow the provider to read the inspection report before signing and provide them with a copy.

Completing the Inspection Process

Upon returning to the office, the counselor must complete the following steps in order to conclude the inspection process:

- Review the inspection report, any supplemental documentation from the inspection, and the provider’s compliance history to determine if further action is necessary (i.e., immediate case staffing with the unit supervisor and/or legal counsel, the imposition of an administrative action, or similar action). Notify the supervisor if there are any Class I violations.
- Proofread the inspection report and any supplemental documentation for typing errors and misspelled words
- Upload the inspection to CARES. The supervisor will then be able to review and approve the inspection or return the inspection to you if major corrections are needed.



Reminder

Don’t forget to follow-up with the provider if any additional information or resources were promised during the inspection. Following through on commitments is critical to maintaining credibility with a provider.

- Uploading and Approval must take place within 10 calendar days of the inspection. Complaints must be uploaded and approved within 10 calendar days of *completion* as documented in the complaint inspection report.
- Ensure that a copy of the final inspection and any supplemental forms are included in the licensure file. If any substantial changes have been made the provider must be given a copy and sign the new inspection report.
- To obtain the provider’s signature on the new inspection report, the report may be hand delivered or mailed, either by regular or certified mail. If the new inspection report is mailed, staff should include a return envelope for the provider to mail the signed report to the licensing office.



CCIS Reminder

Ensure that the inspection report accurately reflects your arrival and departure times.

Inspections must be uploaded in the order that they were conducted. For example, an inspection must be uploaded before the subsequent re-inspection. Reports must be sequenced in order of

completion in order for the system to reflect that non-compliance items have been corrected (see **Chapter 5: Systems** for additional instructions regarding the of inspections).

Supervisory Review

The following are the *minimum* requirements for supervisory review prior to archiving:



Important Information!

Before uploading an inspection report to the CARES and the Child Care Program's website, ensure that all comments included within the report are appropriate:

- Each citation for a violation of any standard or requirement must include an explanation of the deficiency, written in simple clear language. (Section 402.3125(1)(b), F.S.)
 - Comments must be specific, objective, and related to standards.
 - Comments should not be so broad as to create potential liability for the Department. For example, a comment should state "At time of inspection..." rather than a blanket statement.
- During the probationary period of a new licensing counselor, all of his or her inspection reports (including re-inspections) must be reviewed and approved by the supervisor.
 - For those persons who have been employed as a licensing counselor for 1-2 years, at least 50% of their inspections must be reviewed and approved by the supervisor.
 - For those persons who have been employed as a licensing counselor for more than 2 years, at least 10% of their inspections must be reviewed and approved by the supervisor.
 - **All** inspection reports that contain a Class I violation must be reviewed and approved by the supervisor, regardless of the licensing counselor's length of employment.

Each inspection report must be reviewed by the supervisor and uploaded within 10 days after the inspection. A supervisor may exceed the minimum requirements for supervisory review and is encouraged to do so if a licensing counselor is experiencing performance issues relating to inspections. A complaint, initial, or new home inspection may take more than 10 days; therefore, it should be uploaded within 10 days of completion.

Conducting a Re-Inspection

A re-inspection may be conducted either on-site or by documenting compliance with a receipt or copy of a document, depending on the type of non-compliance. However, every corrective action - whether inspected on-site or verified by the submission of a corrective action statement and/or written documentation - requires a re-inspection report to be completed in the CCRA via the Licensing Application. Use the following guidance when determining whether or not an on-site inspection is required:

- **On-site inspection.** An on-site inspection is required for more serious violations and those requiring on-site observation to determine that the corrective action has been completed. For example, a repair to a broken fence must be physically inspected by the licensing counselor to ensure that it is stable. Over-capacity violations require on-site follow up within 24 to 48 hours.

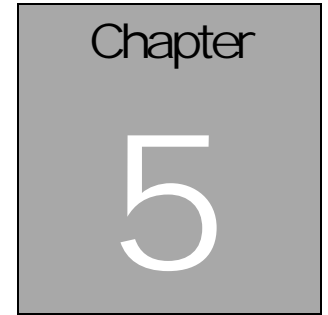
- **Documentation.** If compliance can be verified by the provision of documentation (i.e., a copy of a receipt, or the provision of background screening or training documentation), on-site inspection is not necessary. However, if the re-inspection is not an on-site inspection, the means of verifying that the corrective action has been completed must be clearly documented on the inspection report. For example, a statement such as, “The provider faxed the training transcript for the staff person whose name was listed on the supplemental form showing that the required training was completed as of 6/30/06.”

It is the responsibility of the licensing counselor to track corrective action due dates to ensure that corrective actions are completed in a timely manner. If corrective action is to be verified by an on-site inspection, the re-inspection must take place by the corrective action due date that was established during the original inspection. If corrective action is to be verified by the submission of a completed corrective action plan and/or written documentation, it is the responsibility of the licensing counselor to follow up with the provider to ensure that such documentation is submitted on or before the corrective action due date. Consistently ensuring compliance with corrective action due dates is critical to maintaining credibility with the provider.



CARES Reminder

Use the “Pending Non-Compliance Corrective Action List” report in CARES to track corrective action due dates.



Chapter 5: Systems

Chapter 5 will be revised upon completion of the development of the new Child Care Regulation Application (CCRA) in the Child Care Information System (CCIS).

Chapter 6: Background Screening

All employees in positions designated by law as positions of trust or responsibility are required to undergo a security background investigation as a condition of employment and continued employment.¹³² Positions that meet the definition of “child care personnel” are designated by the child care statutes as positions of trust or responsibility and are subject to Level 2 background screening under Chapter 435, Florida Statutes.

It is the responsibility of the Department to ensure that “child care personnel” in any child care setting are of good moral character as determined by background screening. Strict compliance with the requirements and processes included in this chapter is crucial to the safety of the children in care. When in doubt, if an unusual circumstance arises, or if you have a “bad feeling” about a provider, seek the guidance of your supervisor, Regional Safety Program Manager and/or Regional Legal Counsel to ensure that the licensing office has not only met its regulatory responsibilities, but has also exercised the full extent of its legal authority to ensure the safety of children in care.

*****Important Information*****

- Individuals *subject* to Level 2 screening must be cleared prior to licensure, registration, employment, volunteering or fulfilling any other role in a child care program.
- Individuals who have already completed livescan fingerprints can be hired for a position that requires Level 2 background screening for purposes of training and orientation while awaiting the fingerprint results as long as they have no direct contact with children while the screening process is completed.¹³³
- Upon receiving written notification from the department’s background screening unit, individuals can be hired for a 45-day period while awaiting out of state records that are being requested and awaiting clearance. During those 45 days the individual must be under the direct supervision of a screened and trained staff member when in contact with children.¹³⁴
- The employer/owner/operator must **initiate all screenings** through the Care Provider Background Screening Clearinghouse prior to fingerprinting.¹³⁵
- The employer/owner/operator must add child care personnel to their Employee/Contractor Roster in the Clearinghouse when the individual has received a

¹³² Section 435.04(1), F.S.

¹³³ Section 435.06(2)(d), F.S.

¹³⁴ Section 5.1, I Facility Handbook, and Section 4.1, J FDCH/LFCCH Handbook

¹³⁵ Section 435.12(2)(a)5.c., F.S.

child care eligible result and has been hired at the facility changes in status must be reported within 10 business days.¹³⁶

- The DCF background screening unit is responsible for reviewing all federal and state records and making a determination as to the individual's eligibility for employment based on their criminal history.
- Rescreenings are conducted every 5 years and require re-submission via the clearinghouse for retained fingerprints.
- An [Attestation of Good Moral Character](#) must be completed upon initial licensure, registration or employment as well as at time of change in employment or a break in service in excess of 90 days.
- Arrests for offenses listed on the Attestation of Good Moral Character will require child care personnel to be removed from employment until final disposition.

Persons Subject to Screening

In general, any person who meets the definition of "child care personnel" established in statute is subject to Level 2 screening. Some individuals, however, are subject to additional screening or are exempt from certain components of screening, depending on their role in the child care setting and the level of oversight that they receive.

Licensed Child Care Facility

Owner

- The owner of a licensed child care facility is subject to all components of screening¹³⁷ and must be cleared through Level 2 background screening prior to licensure whether they actually work in the facility or not (unless the owner is a corporation).
- If the owner is a corporation and the corporate officers have an active role in the facility, they are subject to all components of screening and must be cleared through Level 2 background screening prior to licensure.¹³⁸
- If the corporate member does not have contact with the children, does not go onsite at the program during operating hours, and whose role does not involve the day-to-day operation of the child care program, they are considered a non-active corporate member. In lieu of completing background screening for non-active members, providers will be responsible for submitting the following documentation:
 1. A copy of the corporation's/LLC's organizational chart.*
 2. A notarized affidavit from each non-active corporate/LLC member stating that their role in the corporation/LLC does not involve the day-to-day operation of the child care program, the individual does not have contact with children in care, and that they do not have any reason to be in contact or be present at the program. The affidavit does not require renewal and must be maintained in the licensing file.*



Recommended practice...

Obtain background screening documents early in the licensing process and make sure the appropriate individuals receive screening in order for the results to be received prior to licensing.

¹³⁶ Section 435.12(2)(a)5.b., F.S.

¹³⁷ Sections 402.302(3) and (15) and 402.305(2)(a), F.S.

¹³⁸ Sections 402.302(3) and (15), 402.305(2)(a), 402.3055(1), and 39.201(6), F.S.

*In the absence of these documents, the provider will be required to complete background screening for ALL corporate/LLC members regardless of their role.

Note: These criteria can be used for all non-active members regardless of their residence in relation to the child care program's location. For example, a non-active member that lives in the same county as the facility location would not need to be screened if the organizational chart and affidavit are obtained. Should at any time in the future their role changes to an active role, the individual will be required to complete background screening prior to going onsite and having access to children.

- If the child care facility is owned by a partnership, all partners are subject to all components of screening and must be cleared through Level 2 background screening prior to licensure.

Director

- The director is subject to all components of screening¹³⁹ and must be cleared through Level 2 background screening prior to licensure.

Employees Who Work While Children Are Present

- Employees who work while children are present are subject to all components of screening¹⁴⁰ and must be cleared through Level 2 background screening prior to employment.
- Examples include, but are not limited to: teachers, teacher aides, substitutes, cooks, transportation aides, janitors who work when children are present and administrative employees (bookkeepers, secretaries, etc.) who work when children are present.

Volunteers

- Prior to beginning volunteering in a child care facility, a [CF-FSP Form 5217, "Volunteer Acknowledgement"](#), must be completed and on file at the facility.¹⁴¹ This form requires the volunteer to attest to not receiving any form of payment or any other type of compensation for his or her time. It also includes a statement about being under the constant supervision of screened staff and not being left alone with or in charge of any group of children. CF-FSP Form 5217 also requires the volunteer to attest to understanding the background screening requirements, if applicable. The operator must sign, attesting the volunteer's statements are true and correct.
- Volunteers who either work more than 10 hours per month or who are not under the direct and constant supervision of persons who are screened and trained, are subject to all components of screening and must be cleared through Level 2 background screening prior to volunteering.¹⁴² This includes participants of a Foster Grandparent Program or similar program.

¹³⁹ Sections 402.302(3) and (15), 402.305(2)(a), 402.3055(1), and 39.201(6) F.S.

¹⁴⁰ Sections 402.302(3) and (15) and 402.305(2)(a), F.S.

¹⁴¹ 65C-22.001(6), F.A.C. and Section 7.4, F Facility Handbook,

¹⁴² Sections 402.302(3) and (15) and 402.305(2)(a), F.S.

Household Members

Household members, who are residing with the facility operator, if the facility is located in or adjacent to the home of the operator, are subject to screening and must be cleared through Level 2 screening prior to licensure.

- “Household members” include members of the operator’s immediate or extended family who reside in the home and non-family members who reside in the home (including long-term visitors, live-in paramours, housemates, and extended seasonal visitors). A length of stay of four weeks or greater constitutes residing in the home for purposes of the screening requirement.
- Members of the operator's family or persons residing with the operator who are between the ages of 12 and 17 years of age and who are not employed at the child care facility, are not required to be fingerprinted for purposes of an FBI records check, but are to be [screened for delinquency records through the Florida Department of Law Enforcement](#).¹⁴³
- Children under the age of 12 years of age are not required to be screened.
- Employment history checks are not required of family members, unless they also serve as child care personnel in the facility.

Child Enrichment Service Providers

- Child enrichment service providers are subject to full Level 2 screening and must be cleared through screening prior to providing enrichment services in a child care facility.¹⁴⁴
- For the purposes of screening, child enrichment service provider means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences during a specific time to specific children. These activities are not part of the regular program in a child care facility.¹⁴⁵

Family Day Care Homes (Licensed, Registered, or Large)

Operator

- The operator of a family day care home is subject to all components of screening.¹⁴⁶
- Proof of screening *clearances* must be received prior to licensure/registration.¹⁴⁷

Employee (Large Family Child Care Home)

- The employee in a large family child care home is subject to all components of screening¹⁴⁸ and must be cleared through Level 2 background screening prior to employment.

Substitute(s)

- A substitute must be screened according to Level 2 screening standards and clearance received *prior to licensure*. If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute must comply with background

¹⁴³ Section 402.313(3), F.S.

¹⁴⁴ Section 402.3054, F.S.

¹⁴⁵ Section 402.3054, F.S.

¹⁴⁶ Sections 402.313(3) and 402.3131(2), F.S.

¹⁴⁷ 65C-20.008(4), F.A.C.

¹⁴⁸ Section 402.3131(2), F.S.

screening requirements and the licensing authority must receive proof of background screening clearance prior to the substitute caring for children.¹⁴⁹

Household Members

- For purposes of screening, household members include any family member 12 years of age or older or any other persons 12 years of age or older residing with the operator in the family day care home.¹⁵⁰
- Household members include members of the operator's immediate or extended family who reside in the home and non-family members who reside in the home (including long-term visitors, live-in paramours, housemates, and extended seasonal visitors). A length of stay of four weeks or greater shall constitute residing in the home for purposes of the screening requirement.
- Household members subject to screening must be *cleared* prior to licensure/registration. In addition, all new household members subject to Level 2 screening must be cleared through background screening before arriving in the home. If an individual moves into the home due to an unforeseen circumstance, such as an adult child returning home to reside with the operator or grandparent now requiring care, they must immediately comply with Level 2 screening requirements with fingerprinting completed using livescan. These household members shall not have unsupervised contact with children prior to being cleared through the background screening process.
- **NOTE:** Background screening requirements apply to all household members, including those who are handicapped and/or elderly. We understand that it is difficult to get prints for these individuals whether due to transportation issues or severe physical deformities. The background screening unit suggests using a mobile livescan vendor (if one is available) who can travel to the home and request that the vendor take two sets of prints during the scheduled appointment. The second set of prints will be on file if the first set of prints is rejected. The FBI will only complete a name search if the prints are rejected twice.
 - Household members who are between 12 and 17 years of age are not required to be fingerprinted for purposes of a FBI records check, but are to be [screened for delinquency records through the FDLE](#).¹⁵¹
 - Adult household members are required to complete an [Attestation of Good Moral Character](#) upon initial registration and licensure of the home, but children under 18 years of age are not.¹⁵²
 - Children under 12 years of age are not required to be screened.
 - Employment history checks are not required for family members, unless they also serve as the substitute or second employee.

¹⁴⁹ 65C-20.008(4), F.A.C.

¹⁵⁰ Section 402.313(3), F.S.

¹⁵¹ Section 402.313(3), F.S.

¹⁵² 65C-20.008(6), F.A.C. and Section 4.1, R. FDCH/LFCCH Handbook

After School Programs Exempt from Licensure

While “After School Programs” meeting the criteria in 65C-22.008(2)(c), F.A.C., are exempt from licensure, personnel in the programs must meet the same background screening requirements as child care personnel in licensed facilities.¹⁵³

Religious Exempt Programs

While exempt from licensure, all personnel in religious exempt child care programs must meet the Level 2 background screening requirements as outlined in s.435.04, F.S.¹⁵⁴

Summer Day Camps and 24-Hour Camps

- These programs are not considered child care for purposes of licensure; however, although these programs are not regulated by the Department, screening for these individuals is processed by the background screening unit.
- Directors, employees and volunteers who work in summer day camps and summer 24-hour camps must be cleared through Level 2 background screening prior to working in the program.¹⁵⁵

Nonpublic Schools

Although non-public school programs for children who are at least 3 years of age but under 5 years of age may be exempt from licensure and not regulated by the Department, child care personnel in these programs are subject to full Level 2 screening and must be cleared through screening prior to providing childcare services. Personnel in the programs must meet the same background screening requirements as child care personnel in licensed facilities.

Persons Not Subject to Screening

The following persons are specifically exempt from background screening:¹⁵⁶

- Persons who work in a child care facility after hours when children are not present.
- Parents of children in a child care facility.
- 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 kindergarten through grade 12. This does not include K-12 teachers that also work as childcare personnel.
- Volunteers who assist for less than 10 hours per month, provided that they are under direct and constant supervision by persons who are screened and trained.
- Students who observe and participate in a child care facility as a part of their required coursework, provided that the observation and participation are on an intermittent basis and the students are under direct and constant supervision of persons who are screened and trained.
- A driver, if he or she is under the direct and constant supervision of screened and trained child care personnel. This is a driver who is not an employee of the child care facility. The driver could be a transportation company employee, a city bus driver, or a volunteer on a field trip.

¹⁵³ 65C-22.008(3), F.A.C.

¹⁵⁴ Section 402.316(1), F.S.

¹⁵⁵ Section 409.175(2)(i) and (k) F.S.

¹⁵⁶ Section 402.302(3), F.S.

- Visitors to a family day care home or large family child care home who stay for a period of less than four weeks.
- Employees and volunteers of programs run by a membership organization (Boys and Girls Club, YMCA, etc.) if the program is exempt from licensure by virtue of meeting the requirements of s. 402.301(6), F.S.



Additional Resources

See [background screening matrix](#) for all programs subject to Level 2 screening pursuant to ss. 402.302, 402.313, 402.3131, 402.305, 402.316, 402.3025, and 402.3055, F.S.

Care Provider Background Screening Clearinghouse

In response to the requirements passed during the 2012 Legislative session, the Care Provider Background Screening Clearinghouse (Clearinghouse) Website was created to provide a single data source for background screening results of persons required to be screened by law for employment in positions that provide services to children, the elderly, and disabled individuals. This enhanced website allows users to initiate a screening, search for screening results, connect to specified agencies screenings, select a Livescan service provider and connect to the service provider's website to schedule appointments.

Utilizing the Clearinghouse website to initiate screening requests provides the following benefits:

- Ability to share results of criminal history checks among specified agencies.
- Ability to view subsequent arrest information for employees with retained fingerprints (only available to current employers of the individual).
- Ability to track screenings from the time the screening request is initiated in the Clearinghouse until a determination is made.
- Provides email notification to the provider regarding status updates to requests initiated.
- Ability to search for Livescan Service Providers by certain criteria (county, name, etc.).
- Provides information and ability to connect to the fingerprint service provider's website to make appointments.
- Provides TCR# needed for sending an applicant to be rescreened for rejected prints.
- Posts Public Record version of state criminal history record (RAP sheet) for review by the provider requesting the original screening.
- Allows providers to connect to a screening request in process for notification when results are available (reduces duplicative screening).
- Creates a "status" report and a "completed screening listing" report of screenings requested by the user eliminating the need to search for each screening result individually.
- Maintain an employee roster by entering hire and separation dates for each employee. This facilitates a notification to the employer if the eligibility status of an employee changes.

Screening Types

Primary Screening – A primary screening is initiated when there are no retained fingerprints in the Clearinghouse for an applicant. Selecting this screening will allow providers to set up a Livescan electronic fingerprinting appointment for an applicant.

Resubmission – If fingerprints are retained for an applicant, providers may initiate a resubmission rather than getting applicant reprinted. A resubmission is the process of running a new criminal history check for the purpose of having an updated screening for those individuals with a lapse of employment greater than 90 days.

Agency Review – If an individual has been screened by another specified agency and entered into the Clearinghouse, the provider must request an agency review. There is no charge for an agency review request.

Renewal – Fingerprints are retained in the clearinghouse for 5 years. The process of extending the retention is called a renewal. Providers can initiate five-year renewal screenings through the Clearinghouse for employees whose 'renewal window' is open. The window opens 60 days before the Retained Prints expiration date. It closes 14 days before the Retained Prints expiration date to allow for processing time.

IMPORTANT NOTE: The Clearinghouse system will notify the employer of upcoming expirations of retained prints only for those employees that are listed on the Employee/Contractor Roster. It is imperative that the employer adds all current employees to their Employee/Contractor Roster to receive important notifications including Arrest notifications and Expiring Retained prints notifications.

Applicant Profile Page

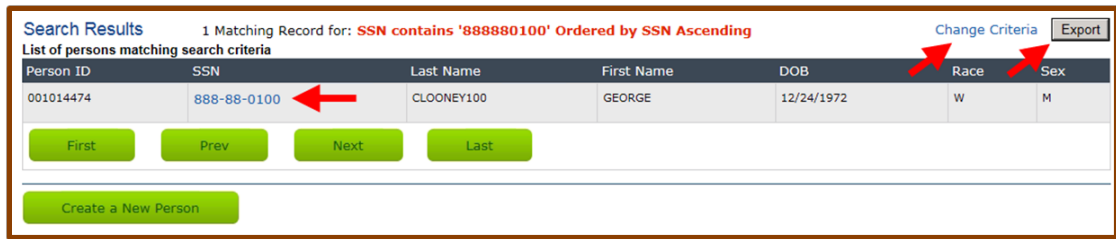
The Clearinghouse system maintains person-centered data for each individual in the system. Each individual has a 'Person Profile' page with basic demographic data, eligibility determinations, and other important information. The licensing unit is responsible for documenting eligibility determination from an individual's "Persons Profile" in the personnel section of the Childcare Administration, Regulation and Enforcement System (CARES).

Using person search:

- Upon log in, the system will direct to the Persons search
- Enter criteria in at least one field and click green 'Search' button

The screenshot shows the 'Person Search' interface for the Department of Children and Families. At the top right, there are navigation links for 'HOME', 'SEARCH', and 'PROVIDER'. The main content area is titled 'Person Search' and includes a 'Search Criteria' section with a note: 'To conduct a search, data must be input in at least one field.' Below this are several input fields: SSN, Last Name, First Name, DOB (with a date range selector), Race (with a dropdown arrow), Sex (with a dropdown arrow), Maiden Name, Middle Name, Alias Name(s), and Person ID. A green 'Search' button is located at the bottom center. On the left side, there is a 'Search Entities' section with links for 'Persons', 'Providers', and 'Providers'. A red arrow points to the 'Persons' link. Another red arrow points to the 'Search' button.

- After the user enters a search criterion, the system will direct to a search result list, as shown below.



- To open an applicant’s profile page, click on the SSN hyperlink in the second column
- When the user clicks on an SSN in the search results table, the system directs to the associated person profile

Eligibility	Determination	Date
DCF General	Eligible	03/31/2017
DCF Child Care	Eligible	03/31/2017
DCF Substance Abuse - Adult Only	Eligible	03/31/2017
DCF Summer Camps	Agency Review Required	
DCF Mental Health	Agency Review Required	
APD General	Agency Review Required	
APD Developmental Disability Centers	Agency Review Required	
APD CDC	Agency Review Required	

Person ID	001014474	DOB	12/24/1972	Address	123 STREET
First Name	GEORGE	SSN	888-88-0100		
Last Name	CLOONEY100	Phone			CITY, FL 33333
Retained Prints Expiration Date	02/16/2020				
Clearinghouse Screening Available?:	Yes				

To identify the person’s current eligibility, review the ‘eligibility table’ at the top of the Applicant Profile Page.

Eligibility Determination Types

Eligible – Person is eligible for employment associated with this eligibility type.

Not Eligible – Person is disqualified for employment associated with this eligibility type.

Screening in Progress – the background screening unit is currently processing a screening for this person. Screenings can be in process for several reasons:

- The Background Screening Unit has not yet processed the screening.
- A letter was sent to the applicant requesting more information on their criminal history. Note: Confidentiality prevents discussing an applicant’s criminal history with a provider.
- The employee/applicant resided outside the State of Florida within the previous 5 years.

Agency Review Required – The applicant was previously screened by another agency, DCF Providers may request a free DCF screening by requesting an agency review.

A New Screening is Required – the applicant requires a new screening.

Resubmission Required - 90 Day Lapse in Employment – A resubmission is required because there is a 90-day lapse in employment.

N/A – The owner/operator did not initiate the screening through the clearinghouse prior to fingerprinting. To resolve this, the provider must initiate a resubmission.

Provider Profile Page

1. To search for a provider, select the 'Provider' tab at the top of the page or select 'Providers' under the list of search entities to the left.
2. Enter criteria into at least one field and select the green 'Search' button.
 - The 'Provider ID' field contains the OCA number corresponding to the Facility ID in CSIS.
 - The 'License Number' field contains the extended OCA used by providers for fingerprinting.

3. After the user enters a search criterion, the system will direct to a search result list, as shown below

ProviderID	Name	Type	Address	License #
7777	Summer Camps Test 1	Summer Camps	123 Street Rd City FL 123450000	A11111
77777	Summer Camps Test 2	Summer Camps	123 Street Rd City FL 123450000	B11111

4. To open a provider's account page, click on the provider name hyperlink in the second column

Provider Account Information

Provider ID	7777	Administrator Name	
Facility Name	Summer Camps Test 1	Administrator Phone #	850-111-2222
Address 1	123 Street Rd	License Status	
Address 2		License Number	A11111
City	City	Medicaid Number	
State	FL ZIP 123450000	Medicare Number	

Provider Contact Information

First Name		Last Name	
Email			
Phone	850-111-2222	FAX	

Employee Roster Export to Excel

Person ID	Person Name	SSN	Position	Last Screening Date	Provisional Hire Date	Hire Date	End Date
1013581	PITT102, BRAD	0102	Employee or Staff Person	01/20/2015	01/21/2015		01/21/2015
1013580	PITT101, BRAD	0101	Administrator	01/20/2015		01/01/2001	01/21/2015

Screening Requests

Person ID	Person Name	Date Requested	Position
1014565	CLOONEY99, BRAD	02/17/2015	Director
1014479	CLOONEY105, GEORGE	02/16/2015	Chief Financial Officer

⏪ ⏩ 1/21 ⏴ ⏵

5. The provider account page contains the following information:

- Provider and provider contact information
- Employee Roster
- Screening Requests

Components of Screening

In general, persons in child care settings who are subject to background screening are subject to a full Level 2 screening under Chapter 435 (with the exceptions described in the previous section entitled, “Persons Not Subject to Screening”). For purposes of child care licensure/registration, screening includes several components in addition to those that comprise Level 2 screening. [The use of electronic fingerprinting (Livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.]

Level 2 Screening

Level 2 background screening components includes a criminal records check (both national and statewide), a sex offender registry search, and child abuse and neglect registry check, an employment history check, and the [Attestation of Good Moral Character](#).¹⁵⁷

¹⁵⁷ Section 435.04(1), F.S., and Section 5.1 Facility Handbook,

Local Criminal Records Checks

A local criminal records check is not required as part of Level 2 background screening, however, it remains at the discretion of the child care provider as to whether they require the local criminal records check as part of their hiring process.

Statewide Criminal Records Checks (FDLE check)

- The statewide criminal records check must:
 1. Be completed upon initial licensure/registration/employment and every 5 years thereafter
 2. Be completed upon a break in employment/service that exceeds 90 days
 3. Include a [juvenile records check](#)
- The statewide criminal records check is processed through the Florida Department of Law Enforcement (FDLE).
- During initial screening and rescreening, both the FDLE background check and the FBI background check are included in the fingerprint process.
- The individual being screened must not have been arrested for and awaiting final disposition of or found guilty of an offense prohibited under s. 435.04(2) & (3), F.S. (regardless of whether or not adjudication was withheld, or the individual entered a plea of “no contest”).
- The fee for conducting an initial FDLE record check on an adult (which includes both the FDLE and FBI record check) varies based on the amount charged by the Livescan vendor. The fee for conducting a FDLE record check on a juvenile (12 to 17 years of age), is \$8.00. Payment must be made in the form of a check or money order made payable to “FDLE.”
- The FDLE clearance date or the date of the FBI/FDLE clearance if screening occurred after August 1, 2010. is used to establish the due date for 5-year re-screening.

Federal Criminal Records Checks (FBI check)

- The federal criminal records check must be completed upon initial licensure/registration/employment and upon a break in employment/service that exceeds 90 days and at the time of the 5-year rescreening. The FDLE clearance date or the date of the FBI/FDLE clearance if screening occurred after August 1, 2010 is used to establish the due date for 5-year re-screening.
- [The use of electronic fingerprinting (Livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.]
- During initial screening and at the time of the 5-year rescreening, both the FDLE background check and the FBI background check are included in the fingerprint process.
- The individual being screened may not have been arrested for and awaiting final disposition of or found guilty of an offense prohibited under s. 435.04(2) & (3), F.S. (regardless of whether or not adjudication was withheld, or the individual entered a plea of “no contest”). Any out-of-state

criminal offense, which if committed in Florida would constitute a disqualifying offense, must be treated as a disqualifying offense for screening purposes.¹⁵⁸

- The fee for conducting an FBI records check is based on the amount charged by the Livescan vendor (which includes the FDLE records check).

i Important Information

ALL SCREENINGS MUST BE INITIATED THROUGH THE BACKGROUND SCREENING CLEARINGHOUSE

Failure to initiate the screening may result in an invalid screening and the individual will have to be re-fingerprinted and pay the fees again.

Refer child care providers to www.myffamilies.com/backgroundscreening for:

- Clearinghouse Provider Login – to log into the clearinghouse
- DCF User Registration Guide – for instructions on how to register as a user in the Clearinghouse
- DCF Clearinghouse Results Website Instruction Guide – for instruction on how to initiate screenings in the Clearinghouse

Out of State Criminal Record Checks

An out of state criminal record check is required for any individual that has lived outside of the state of Florida in the preceding five years.¹⁵⁹

- The FBI has direct access and automatically checks each National Fingerprint Files (NFF) state's criminal history repositories as part of its search, in addition to the FBI database. The department is able to utilize the FBI criminal history results to satisfy the out-of-state criminal record check requirement for individuals whose out-of-state residency was in a **participating state**.

States that Participate in the NFF Program

Colorado	Kansas	North Carolina	Oregon
Georgia	Maryland	New Jersey	Tennessee
Hawaii	Minnesota	New York	West Virginia
Idaho	Missouri	Ohio	Wyoming
Iowa	Montana	Oklahoma	

- If the individual's prior state of residency **does not participate** in the NFF program, the employer/owner/operator must send a request for a search of each state's criminal records. Visit www.myffamilies.com/backgroundscreening, click on the National Records Request link to obtain instructions and forms to complete to submit a request for the search.

States and Territories that DO NOT Participate in the NFF Program


Alabama	Illinois	Nebraska	South Dakota
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¹⁵⁸ 65C-20.008(6), F.A.C., Section 2.1 C FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., Section 2.1 C Facility Handbook

¹⁵⁹ 65C-22.001(6), F.A.C., Section 5.1, E Facility Handbook, and 65C-20.008(6), F.A.C., and Section 4.1, F FDCH/LFCCH Handbook

Alaska	Indiana	Nevada	Texas	Puerto Rico
Arizona	Kentucky	New Hampshire	Utah	U.S Virgin Islands
Arkansas	Louisiana	New Mexico	Vermont	American Samoa
California	Maine	North Dakota	Virginia	Northern Mariana Islands
Connecticut	Massachusetts	Pennsylvania	Washington	
Delaware	Michigan	Rhode Island	Wisconsin	
District of Columbia	Mississippi	South Carolina	Guam	

- Once results are received by the provider (and or applicant) they must be forwarded to the DCF Background Screening unit for review. The results may be faxed to: (850) 922-2895, emailed to: bgs.outofstate.admin@myflfamilies.com or mailed to: Department of Children and Families Background Screening Unit 1317 Winewood Boulevard, Building 6 Floor 3, Tallahassee, Florida 32399-0700.
- Documentation of the date the search was requested, and the date the results were received, must be maintained in the employee’s file for review by the licensing authority.

 Important Information

- Upon receiving written notification from the department’s background screening unit, individuals can be hired on a “provisional status” for a 45-day period while awaiting out of state records that are being requested.
- During those 45 days the individual must be under the direct supervision of a screened and trained staff member when in contact with children.

Child Abuse and Neglect Registry Checks

The employer/owner/operator must send a request for a search of each state’s child abuse and neglect registry if the individual has lived outside the state of Florida in the preceding five years. ¹⁶⁰

- Visit www.myflfamilies.com/backgroundscreening, click on the Out of State Abuse Registry Check link to obtain the instructions and forms to complete to submit a request for a search.
- Documentation of the date the search was requested, and the date the results were received, must be maintained in the employee’s file for review by the licensing authority.

Sex Offender Registry Checks

The employer/owner/operator must conduct a search of the sexual offender/predator registry of any state the individual has lived in outside the state of Florida in the preceding five years. ¹⁶¹

¹⁶⁰ 65C-22.001(6), F.A.C., Section 5.1, F Facility Handbook, 65C-20.008(6), F.A.C., and Section 4.1, G FDCH/LFCCH Handbook

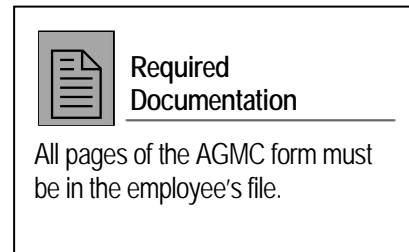
¹⁶¹ 65C-22.001(6), F.A.C., Section 5.1, G Facility Handbook, 65C-20.008(6), F.A.C., and Section 4.1, H FDCH/LFCCH Handbook

- Visit www.myflfamilies.com/backgroundscreening, click on the Out of State Sexual Predator/Offender Registry Check link to obtain the instructions and forms to complete to submit the request for a search.
- Documentation of the search date, and findings from each state, must be documented in the employee's file for review by the licensing authority.

Attestation of Good Moral Character (AGMC)

The [Attestation of Good Moral Character](#) (CF-FSP Form 1649A, October 2017) serves as the attestation required by s. 435.04(5), F.S. (Previous versions of the form are obsolete –current versions must be used).

- The AGMC must be completed prior to initial licensure, registration, or employment, and must be re-submitted upon a break in employment/service that exceeds 90 days; and upon a change in employment.
- The AGMC does not transfer and therefore, while a copy is acceptable, in most cases the original will be in the file.



Employment History Check

Pursuant to Chapter 402, screening for purposes of child care also includes an employment history check (see [sample form](#)).¹⁶² The purpose of an employment history check is to validate the person's employment history (dates and employers) and determine the person's work ethic and child care experience (if any). Perhaps more importantly, the purpose of an employment history check is to determine whether a previous employer knows of any reason why it would be inappropriate for that person to work with children. An employment history check must be completed prior to initial licensure/registration/employment and must include:

- The previous five years of employment.
- The applicant's position description, confirmation of employment dates from previous job(s), 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.¹⁶³

Supplemental Statement Regarding Administrative Actions

Each application for a child care *license* (facility or home) and each application for employment at a licensed facility or home is required to contain a question that specifically asks the applicant 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.¹⁶⁴ This is considered to be a component of background screening as it relates to determining an individual's good moral character. This component of screening does not apply to registered homes or programs exempt from licensure under s. 402.316, F.S.

¹⁶² Section 402.302(15), F.S.

¹⁶³ 65C-22.001(6), F.A.C., Section 5.1 E. Facility Handbook, 65C-20.008(6), F.A.C., and Section 4.1, E. FDCH/LFCCH Handbook

¹⁶⁴ Section 402.3055(1), F.S.

- The applicant (owner, operator, or employee) is required to attest to the accuracy of his or her answer to the question under penalty of perjury.
- If the applicant (owner, operator, or employee) admits that he or she has been a party in such action, the Department or local licensing agency is required to review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license.
- The employer is required to conduct such a review before the applicant is hired.
- 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 will not be granted.

Abuse and Neglect Statement

Each owner, director, volunteer, and employee in a licensed child care facility and each operator, substitute, and employee in a family day care home/large family child care home is required to annually sign a [statement acknowledging that they understand the statutory requirements for mandatory reporting of child abuse and neglect](#).¹⁶⁵ Although this is not a background screening requirement, it is listed here because it is generally included in the packet of background screening forms sent to applicants.

Responsibility for Background Screening

The Department's background screening unit is responsible for reviewing state and federal criminal history records for the following individuals to determine their eligibility for employment:¹⁶⁶

Licensed Child Care Facility – Owners and directors, employees, volunteers, and household members

Licensed/Registered Family Day Care Home – Operator, substitutes, and household members

Licensed Large Family Child Care Home – Operator, employees, substitutes, and household members

Child Enrichment Service Providers – Child enrichment providers, such as dance, karate, gymnastics, tutoring or other providers who go into a licensed facility to work with children are required to be cleared through Level 2 screening. The child enrichment service provider will have an OCA # and receive their own clearance letter, however, the owner/director is responsible for verifying and producing proof of this screening for review by licensing staff.

The child's parent shall provide written consent before the child may participate in the activities conducted by the child enrichment service provider. A child care enrichment service provider receives compensation from the child's parent or the child care facility and shall not be considered a volunteer or child care personnel.¹⁶⁷

Religious Exempt Programs – Owners, directors, employees and volunteers

¹⁶⁵ 65C-22.001(6), F.A.C., Section 7.4, Facility Handbook, 65C-20.008(6), F.A.C., and Section 4.3, H FDCH/LFCCH Handbook


¹⁶⁶ CF-OP 60-19, "Caretaker Screening" (August 2006).

¹⁶⁷ 402.3054, F.S.

Summer Camps – Owners, directors, employees and volunteers

Nonpublic Schools – Operators, directors, employees and volunteers

Public Schools (Before/Afterschool programming) – Operators, directors, employees, and volunteers

Additional Resources	
	See CFOP 60-19 "Caretaker Screening" for additional information.

The owner/operator of a licensed child care facility is responsible to ensure that all child care personnel and volunteers, as applicable, have been cleared through Level 2 screening prior to employment or volunteering. The owner/operator is also responsible to ensure household members have been cleared through Level 2 screening if the child care facility is located in or adjacent to the home of the operator.

Responsibilities of the Applicant

Licensed Child Care Facility

The owner/director is responsible for the following tasks:

Submitting background screening documents for the owner(s) and director to the licensing unit for review and be fingerprinted in order for the Department to check their state and federal criminal records. [The use of electronic fingerprinting (Livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.]

- Completing and maintaining employment history checks in each employee's file.
- Obtaining and maintaining a signed [Attestation of Good Moral Character](#) (prior to employment) in each employee's file.
- Obtaining and maintaining a signed Child Abuse & Neglect Reporting Requirements form (CF-FSP 5337, [English](#) or [Spanish](#)) acknowledging receipt of information and understanding of the statutory requirements for reporting of child abuse and neglect on or before the first day of employment in each employee's file.
- Obtaining and maintaining a statement from the employee that indicates 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 in each employee's file.
- Obtaining screening records on each previously screened employee from his or her previous employer (see section in this chapter entitled, "Screening Requests for Persons Previously Screened").

- Obtaining and maintaining and [Volunteer Acknowledgement \(CF-FSP Form 5217\)](#) in the file of each volunteer that serves in the facility.
- Maintaining background screening records on each individual who is subject to background screening (see **Chapter 15: Record Keeping** for detailed background screening file requirements). This includes maintaining a completed [Background Screening & Personnel File Requirements checklist \(CF-FSP Form 5131\)](#) for each employee.
- Attesting annually, under penalty of perjury, to compliance with Level 2 screening requirements. This is achieved through the notarized signature on the CF-FSP Form 5017, Application to Operate a Child Care Facility.¹⁶⁸
- **Initiating all screenings** through the Clearinghouse prior to Livescan fingerprinting.
- Adding child care personnel to their Employee/Contractor Roster in the Clearinghouse when the individual has received a child care eligible result and has been hired at the facility.
- Adding an end date for individuals on the Employee/Contractor Roster in the Clearinghouse within 10 days of the employment termination.

Family Day Care Homes/Large Family Child Care Homes

The operator of a family day care home (licensed or registered) or large family child care home is responsible for:

Ensuring that background screening documents for all persons subject to background screening are submitted to the licensing unit as well as having all appropriate individuals fingerprinted in order for the Department to check their state and federal criminal records. [The use of electronic fingerprinting (Livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.]

- Notifying the licensing unit whenever there is a change in household composition or there are new employees or substitutes and submitting all appropriate screening documents as well as have the new household members, employees or substitutes fingerprinted and be cleared through Level 2 screening prior to having contact with children.
- Notifying the licensing unit immediately if he or she, any member of the household, substitute, or employee, is arrested for or convicted of any disqualifying offenses.

Religious Exempt Programs

The owner(s) and/or director of a religious exempt child care program are responsible for:

- Annually verifying that all child care personnel working at the facility on a continuing basis since initial screening are in compliance with screening requirements by submitting a completed [Affidavit of Compliance CF-FSP 5218 March 2007](#).
- Complying with Level 2 background screening standards found in Chapter 435, F.S.
- Maintaining background screening records on each individual who is subject to background screening (see **Chapter 15: Record Keeping** for detailed background screening file requirements).

¹⁶⁸ Section 435.05(3), F.S.

Note: Screening processed in the Clearinghouse for Religious Exempt program must be under DCF Child Care.

Summer Camp Programs

- Maintain background screening records on employees, volunteers and directors (level 2).

Note: Screening processed in the Clearinghouse for Summer Camps must be under DCF Child Care or DCF General. Therefore, if an individual is eligible for DCF Child Care they are able to use this screening in a Summer Camp setting. However, this does not work in the reverse as DCF General screening does not include all of the components required under DCF Child Care screening.

Non-Public Schools

The owner(s) and/or director of a non-public school child care programs are responsible for:

- Complying with Level 2 background screening standards found in s. 402.3025, F.S., 402.305, and 402.3055, F.S.¹⁶⁹
- Maintain background screening records for employees, volunteers and directors.

Public Schools

The owner(s) and/or director of a non-public school child care programs are responsible for:

- Complying with Level 2 background screening standards found in s. 402.305, and 402.3055, F.S.¹⁷⁰
- Maintain background screening records for employees, volunteers and directors.

Responsibilities of Persons Subject to Screening

Child Care Personnel (Licensed Facilities)

Child care personnel in licensed child care facilities are responsible for:

- Being cleared through Level 2 background screening prior to employment.
- Submitting a signed [Abuse and Neglect Statement](#) to the facility owner/director on or before the initial date of employment.
- Submitting a completed Attestation of Good Moral Character to the facility owner/director prior to employment.
- Notifying the owner/director if arrested for any offense found on the [Attestation of Good Moral Character](#)

¹⁶⁹ 65C-22.008(3), F.A.C. and s. 402.3025, F.S.

¹⁷⁰ 65C-22.008(3), F.A.C.

- Submitting to the facility owner/director, a Supplemental Statement regarding administrative actions (prior to employment), at the time of application.
- Submitting the previous five-year employment history to the facility owner/director prior to employment.

Volunteers

- Completing a [Volunteer Acknowledgement \(CF-FSP Form 5217\)](#) attesting that they do not receive any form of compensation. If they volunteer more than 10 hours per month, they must be cleared through Level 2 background screening prior to volunteering.
- Submitting a signed Abuse and Neglect Statement to the facility owner/director on or before the initial date of volunteering. This form must be placed in all volunteers' files.

Employees (Large Family Child Care Homes) and Substitutes (Licensed, Registered, and Large Homes)

- Employees and substitutes must be cleared through Level 2 background screening prior to employment or substituting. If the home substitute change during the licensure year, the new substitute must complete screening prior to caring for children or at the time of the home renewal, whichever comes first.

Responsibilities of the Child Care Licensing Unit

The licensing unit is responsible for the following tasks relating to the background screening:

- Obtaining required background screening documents on the owner and director, operator, substitutes, household members, and large family child care home employees. Licensing staff must review background screening requests for accuracy and completion and inform the individuals subject to screening that they must complete fingerprinting in order for the Department's background screening unit to review the results of the state and federal criminal histories to determine if they are eligible to be licensed/employed.
- Ensuring that all required components of background screening have been completed. All background screening information must be documented in the personnel section of the Childcare Administration, Regulation and Enforcement System (CARES).
- Evaluating and acting on screening results.
- Maintaining background screening records in the provider's licensing file.
- Conducting [employment history reference checks](#) (by phone or mail) on the applicant and director.
- Monitoring re-screening due dates.
- Monitoring that the facility or home adheres to background screening requirements, processes, and timeframes.

Important Note: If the licensing counselor discovers staff of the child care facility or substitutes/household members of the family day care home to be out of compliance with background screening, the counselor will provide technical assistance regarding screening requirements to the facility director/family day care home operator, including an explanation of the process for completion, and a corrective action plan.

In regard to corrective action for the facility, child care personnel found to be out of compliance with BGS requirements will be allowed to continue working until the end of the work day, however, they will not be allowed to return to the facility until they have been cleared through level 2 screening. Unscreened household members must be fingerprinted no later than the following day and cannot have unsupervised contact with the children in care until they have been cleared. Substitutes for the family day care home operator are to be treated like facility personnel, i.e., continued employment through the end of the work day and no further substituting for the operator until cleared through background screening.

- Monitoring that screening results were acted on appropriately.
- Issuing OCA numbers for Licensed Child Care/Day Care Facilities, Family Day Care Homes, Registered Family Day Care Homes and Religious Exempt Facilities.
- Documenting screening as required in the Childcare Administration, Regulation and Enforcement System (CARES). A copy of the personnel records form should be printed when information has been updated and should be maintained in the licensure file.

Responsibilities of the Background Screening Unit

The background screening unit is responsible for:

- Receiving and evaluating background screening results received from the FBI and FDLE and determining eligibility based on the screening results for all individuals subject to background screening.
- Determining if the applicant is cleared or disqualified pursuant to s. 435.04, F.S., and issuing the appropriate correspondence.
- Completing a Florida child abuse and neglect registry check through the agency's Child Welfare Information System and documenting the results in the Clearinghouse.
- Notifying the licensing entity or regulatory authority through the clearinghouse that the person meets the minimum standards established for consideration for employment or licensure, if cleared. The clearance letter does not imply a recommendation for or against employment or licensure.
- Notifying the licensing entity or regulatory authority and the applicant in writing immediately if the individual is disqualified. The applicant's notice will include information regarding the exemption process pursuant to s. 435.07, F.S., and CF-OP 60-18.
- Providing technical assistance to providers and the licensing unit regarding the interpretation of screening results, upon request.
- Issuing OCA numbers for After School/Enrichment Programs and summer camps.

The Initial Screening Process

Screening requests for all individuals who have not been previously screened must be submitted and processed in the following manner:

Licensed Child Care Facilities

- **FBI/FDLE Check (owner/director)** – The owner and director must complete Level 2 background screening including FBI and FDLE criminal history checks. [The use of electronic fingerprinting (Livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.

Since then, s. 402 and s. 435 have been updated in accordance with federal guidelines for screening in the child care industry requiring additional components be considered during the screening process. This change was implemented in July 2016. Therefore, all child care personnel requiring screening must have an eligibility date on or after July 1, 2016. This eligibility date must be captured in CARES accordingly.] The background screening unit is responsible for receiving the results from both the FDLE and FBI, making an eligibility determination based on the results, and notifying the licensing unit of the outcome. The licensing unit is responsible for maintaining documentation of the results in the provider's file.

- **Out of State Criminal Record Check (owner/director)** – The owner and director must complete an out of state criminal record check for every state they have resided outside the state of Florida in the preceding five years. This check only needs to be completed if the previous state is **not a participant** of the FBI's National Fingerprint File (NFF) program (see section in this chapter entitled, "Out of State Criminal Record Checks"). The record should be submitted to the background screening unit. The background screening unit is responsible for reviewing out of state criminal record results and making a determination based on the results.
- **Child Abuse and Neglect Registry Checks (owner/director)** – The owner and director must complete a child abuse and neglect registry check for every state they have resided outside the state of Florida in the preceding five years. The licensing unit is responsible for maintaining documentation of the results in the provider's file.

Note: The Florida Abuse and Neglect Registry is reviewed by the background screening unit and results are posted on the person's profile page in the clearinghouse. Prior to December 2016 the results were sent to the provider who initiated the person's screening in the clearinghouse.

- **Sex Offender Registry Checks (owner/director)** – The owner and director must conduct a search of the sexual offender/predator registry check for every state they have resided outside the state of Florida in the preceding five years. The licensing unit is responsible for maintaining documentation of the results in the provider's file.
- **Attestation of Good Moral Character (owner/director)** – The owner and director must submit a completed Attestation of Good Moral Character (AGMC) to the licensing unit.
- **Employment History Check (owner/director)** – The owner and director must submit a completed Employment History form to the licensing unit. The licensing unit is responsible for conducting the Employment History reference check on the owner and director and maintaining documentation in the provider's file.
- **Out of State Criminal Record Check (adults subject to screening)** – The adult subject to screening must complete an out of state criminal record check for every state they have resided outside the state of Florida in the preceding five years. This check only needs to be completed if the previous state is **not a participant** of the FBI's National Fingerprint File (NFF) program (see section in this chapter entitled, "Out of State Criminal Record Checks"). The record should be submitted to the background screening unit. The background screening unit is responsible for reviewing out of state criminal record results and making a determination based on the results.



Frequently Asked Question

Question: Can employees at a child care facility who are 16 and 17 years of age be fingerprinted?

Answer: Pursuant to s. 402.302(3), F.S., the Department has the authority to enforce background screening requirements on all employees who meet the definition of "Child Care Personnel." There are **no exceptions** to the background screening rule for juveniles in this situation.

- **Child Abuse and Neglect Registry Checks (adults subject to screening)** –The adult subject to screening must complete a child abuse and neglect registry check for every state they have resided outside the state of Florida in the preceding five years. The owner/director is responsible for maintaining documentation of the results in the personnel file.
- **Sex Offender Registry Checks (adults subject to screening)** – The adults subject to screening must conduct a search of the sexual offender/predator registry check for every state they have resided outside the state of Florida in the preceding five years. The owner/director is responsible for maintaining documentation of the results in the personnel file.
- **Employment History Check (adults subject to screening)** The owner/director must conduct an Employment History reference check on each employee and volunteer subject to screening and maintain documentation in the personnel file of the employee or volunteer.
- **Attestation of Good Moral Character (adults subject to screening)** – The owner/director must obtain a completed Attestation of Good Moral Character (AGMC) for each employee and volunteer subject to screening before the first day of employment/service and maintain it in their personnel file.
- **FBI/FDLE Check** – The owner/director must ensure each person subject to screening (other than the owner/director) is fingerprinted and has received clearance notice prior to employment. The background screening unit is responsible for evaluating and notifying the provider of the results of the FDLE/FBI screening. The FDLE results will also be sent to the provider. The owner/director is responsible for maintaining documentation of the results in the employee or volunteer’s file. Juvenile Records checks are required for household members between the ages of 12 and 18 when the facility is located in, or adjacent to the home.
- **Child care personnel must be 16 years of age** and shall receive a full level 2 screening.
- **Juvenile Records Check** – The owner/director must submit a “Request for FDLE Criminal History Information” form and fee for each juvenile (12 to 17 years of age) subject to screening to FDLE. FDLE will return the results of the juvenile screening to the background screening unit The background screening unit is responsible for determining eligibility based and notifying the provider of the results. The provider must maintain documentation of the results in their files. In a child care facility this only applies to household members if the facility is located in, or adjacent to the home of the operator.

Family Day Care Homes (Licensed, Registered, and Large)

- **FBI/FDLE Check (all adults subject to screening)** - The operator must be fingerprinted as well as each adult in the home subject to screening. [The use of electronic fingerprinting (Livescan) became a requirement in April 2012 as the FBI no longer accepted fingerprint cards.] The background screening unit is responsible for receiving the results from both FDLE and FBI, making an eligibility determination based on the results, and notifying the licensing unit and the provider of the outcome. The licensing unit is responsible for maintaining documentation of the results in the provider’s file.
- **Out of State Criminal Record Check (all adults subject to screening)** – All adult subject to screening must complete an out of state criminal record check for every state they have resided outside the state of Florida in the preceding five years. This check only needs to be completed if the previous state is **not a participant** of the FBI’s National Fingerprint File (NFF) program (see section in this chapter entitled, “Out of State Criminal Record Checks”). The record should be submitted it to the background screening unit. The background screening unit is responsible for reviewing out of state criminal record results and making a determination based on the results.

- **Child Abuse and Neglect Registry Checks (all adults subject to screening)** – All adult subject to screening must complete a child abuse and neglect registry check for every state they have resided outside the state of Florida in the preceding five years. The owner/director is responsible for maintaining documentation of the results in the personnel file.
- **Sex Offender Registry Checks (all adults subject to screening)** – All adults subject to screening must conduct a search of the sexual offender/predator registry check for every state they have resided outside the state of Florida in the preceding five years. The owner/director is responsible for maintaining documentation of the results in the personnel file.
- **Juvenile Screening** – The operator must submit a “Request for FDLE Criminal History Information” form and fee to the licensing unit for each juvenile (12 to 17 years of age) subject to screening. The licensing unit will submit the juvenile screening request to the background screening unit for processing. The background screening unit is responsible for making an eligibility determination based on the results and notifying the provider of the outcome. The licensing unit is responsible for obtaining and maintaining documentation of the results in the provider’s file.
- **[Employment History Check \(operator, substitute, employee\)](#)** – The operator must submit a completed Employment History form to the licensing unit. The licensing unit is responsible for conducting an Employment History reference check on the operator. The operator is responsible for conducting employment history checks on substitutes and the employee (large family only).
- **[Attestation of Good Moral Character \(adults subject to screening\)](#)** – The operator must submit a completed Attestation of Good Moral Character (AGMC) for each adult subject to screening to the licensing unit. The licensing unit must maintain these forms in the provider’s file.
- **[Mandatory Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337](#)** – The operator and substitute, and employee must submit a signed Mandatory Child Abuse and Neglect Reporting Requirements form.



Frequently Asked Question

Question: Is an employment history check required for the spouse of the operator?

Answer: Only if he or she is also named as a substitute.

Screening Requests for Persons Previously Screened

When an employee transfers from one child care facility or home to another, re-fingerprinting is not required (provided a break in employment from the child care industry that exceeds 90 days has not occurred). However, the employer must:

- Verify the last date of employment with the previous employer to ensure that a break in employment that exceeds 90 days has not occurred. This is accomplished through the [Employment History Check](#).
- Obtain documentation of screening from the Clearinghouse Provider Portal.
- Add the personnel to their Employee/Contractor Roster in the Clearinghouse Provider Portal.



CARES Reminder

Use the social security number search function in the Licensing Application to verify the employee’s last date of employment with the previous provider and to link the employee’s background screening and training data in the CARES to the current provider.

- Have the individual complete a new [Attestation of Good Moral Character](#) for the current employer.

Re-screening

Most components of background screening conducted for purposes of child care licensure/registration are valid for 5 years, at which time a 5-year re-screening must be conducted.¹⁷¹ Certain components of screening, however, must be conducted annually. Re-screening requirements are as follows:

Annual Screening

The following components of background screening must be completed annually:

- [Mandatory Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337](#) – A signed Mandatory Child Abuse and Neglect Reporting Requirements form must be submitted annually.

Re-screening Upon Break in Employment/Service

Re-screening is required upon a break in employment/service from the child care industry that exceeds 90 days. A 90-day re-screening must include all of the same components that were included in the initial screening¹⁷² and is processed in the same manner as the initial screening.

Re-screening of the operator, substitute, and all household members also is required when there is a break in operation of a family day care home that exceeds 90 days.¹⁷³

For purposes of the 90 day limit, an individual who has applied for a license or registration to operate a child care facility or home is considered to be working in the child care industry during the licensure/registration process. An extended leave of absence or other administrative leave (such as maternity leave, extended sick leave, or summer program closure) is not considered a break in employment for purposes of this re-screening requirement provided the employee returns to work for the same child care provider and documentation of leave approval is included in the employee's file. However, this does not exempt that individual from 5 year re-screening if it has come due during the leave of absence.¹⁷⁴

Five Year Re-screening

The due date for 5 year re-screening is based upon the Florida Department of Law Enforcement (FDLE) clearance date or the date of the FBI/FDLE clearance if screening occurred after August 1, 2010. The results date is entered into the Childcare Administration, Regulation and Enforcement System (CARES) in order to determine when the 5 year rescreening should be completed.

¹⁷¹ 65C-20.008(6), F.A.C., Section 4.2 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 5.2 Facility Handbook

¹⁷² 65C-20.008(6), F.A.C., Section 4.2 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 5.2 Facility Handbook

¹⁷³ 65C-20.008(6), F.A.C., Section 4.2, C. FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 5.2, C. Facility Handbook

¹⁷⁴ 65C-20.008(6), F.A.C., Section 4.2, D. FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 5.2, D. Facility Handbook

In the case of school district personnel, the 5 year re-screening due date is to be based on the date of the initial [Affidavit of Good Moral Character](#) (AGMC) if the licensing counselor was unable to obtain the actual screening date from the district school board.

The five year re-screen is required for all child care personnel that were subject to initial Level 2 background screening.¹⁷⁵ A 5 year re-screening includes the same components of the initial Level 2 screening and is conducted in the same manner as the initial background screening.¹⁷⁶

Re-screening Upon Becoming an Adult

A household member who turns 18 years of age must undergo a full Level 2 screening, even though the 5 year re-screening might not yet be due.

Automated re-screening – Arrest Notifications

Program Office receives arrest notifications on a regular basis and forwards this information to the Regional Safety Program Managers, Licensing Supervisors, and if applicable the local licensing agencies. When a re-arrest is received, and individual is still associated with a child care facility/home the program must be contacted. When talking with the providers the individual's specific criminal history information is not to be disclosed, due to confidentiality. Licensing counselors are to contact the director of the facility or the Human Resource office and only disclose/share that the individual's status in the Clearinghouse has changed to ineligible and determine if the individual is still employed. Providers must also be reminded that the individual must be removed from the their roster in the Clearinghouse system.

Evaluating and Acting on Screening Results

The Department is responsible for receiving and evaluating the FBI/FDLE criminal history results. The background screening unit will an eligibility determination through the clearinghouse based on the FBI/FDLE criminal history results. It is the responsibility of the facility to determine eligibility based on employment. The responsibilities for evaluating the results are split between the background screening unit and the licensing unit. The background screening unit is responsible for evaluating and making eligibility determinations regarding FBI and FDLE screening results received by the Department. The licensing unit is responsible for evaluating and making eligibility determinations based on all other components of screening received by the Department (Employment History Check, etc.). It is the responsibility of the facility to determine eligibility based on employment history, child abuse and neglect history, and sexual offender registry history.



Frequently Asked Question

Question: Are juveniles in the FDCH and LFCCH required to complete the 5 year screening?

Answer: Yes. For example, if a juvenile was screened at age 12, re-screening would be required at age 17. Regular Level 2 screening is required when the juvenile reaches the age of 18.

¹⁷⁵ 65C-20.008(6), F.A.C., Section 4.2 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 5.2 Facility Handbook

¹⁷⁶ 65C-20.008(6), F.A.C., Section 4.2 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 5.2 Facility Handbook

Disqualification

- If the background screening unit determines that an individual is disqualified for employment/licensure/registration based on screening results, the screening unit will notify the licensing unit and the provider through a “Not Eligible” status in the Clearinghouse. The applicant will be notified by writing. If applicable, the notice to the applicant will include information regarding the exemption process pursuant to s. 435.07, F.S.
- The employer must either terminate the employment of any of its personnel found to be in noncompliance with the minimum standards for good moral character or place the employee in a position for which background screening is not required, until the employee is granted an exemption from disqualification.¹⁷⁷
- Any person who is required to undergo employment screening and who refuses to cooperate in such screening or refuses to submit the information necessary to complete the screening, including fingerprints when required, is automatically disqualified for employment in such position. If already employed, that person must be dismissed.¹⁷⁸
- If an owner or operator is determined to have been arrested for and awaiting disposition of, or committed a disqualifying offense, the licensing unit must deny or revoke the provider’s license or registration¹⁷⁹ and inform the owner/operator of their right to an appeal under Chapter 120, F.S.¹⁸⁰
- If an adult household member in a family day care home (licensed or registered) or large home were found to have been arrested for and awaiting disposition of, or committed a disqualifying offense, the application for a license or registration would be denied. If a family day care home operator alleges that the disqualified household member has moved out of the home and he or she wishes to reapply, care should be taken to obtain verification regarding the current residence of the disqualified person. If the person is a juvenile and under the control of the Department of Juvenile Justice (DJJ), contact the DJJ counselor.
- If an adult household member in a family day care home (licensed or registered) or large home were found to have been arrested for and awaiting disposition of, or committed a disqualifying offense, the licensing unit must revoke the provider’s license or registration and inform the owner/operator of their right to an appeal under Chapter 120, F.S. If a family day care home operator alleges that the disqualified household member has moved out of the home, care should be taken to obtain verification regarding the current residence of the disqualified person.
-



Important Information!

In a child care facility, the only position for which background screening is not required is cleaning/maintenance after the facility is closed. In a family day care home, there is no position considered to “not have contact with children.”

Exemption from Disqualification

It is the responsibility of the affected employee or provider to either contest his or her disqualification or to request exemption from disqualification. The basis for *contesting* the disqualification is proof of mistaken identity (see s.435.07, F.S.). When applicants are notified of disqualification, they are also

¹⁷⁷ Section 435.06(2), F.S.

¹⁷⁸ Section 435.06(3), F.S.

¹⁷⁹ Section 402.308(3)(d), F.S.

¹⁸⁰ Section 402.310, F.S.

notified of their right to appeal through the exemption process and provided with a “Request for Exemption” form if they are eligible for exemption.

The background screening unit is responsible for coordinating exemption review activities. The applicant has 30 days after notification of disqualification to request an exemption and the background screening unit will schedule a review within 30 days of receiving all the necessary documentation from the applicant. The applicant and the employer will be notified in writing of the final decision within 30 days of the review. This decision may be appealed under Chapter 120, F.S.

If the applicant is granted an exemption, he or she may be returned to the position for which screening was required. If the owner or director of a licensed child care facility or the operator or any adult subject to screening in a family day care home (licensed, registered, or large) has been granted an exemption, the licensing unit must maintain a copy of the notification in the provider’s file. If the individual is not granted an exemption or is notified that he or she does not meet the criteria for an exemption, the original disqualification stands.

Issuing a License

A license may not be issued or renewed if the owner, director, employees, volunteers, or substitutes have failed the screening required by ss. 402.305(2) and 402.3055, F.S.¹⁸¹ (See “Important Information” Text Box Below)

- If the owner of a facility does not receive clearance on any component of background screening, the license must either be denied or revoked unless the owner is granted an exemption (see the previous section entitled “Exemption from Disqualification” for exemption procedures).
- Refusal on the part of the owner, director, or operator to dismiss any child care personnel who have been found to be in noncompliance with the background screening requirements will result in automatic denial or revocation of the license or registration in addition to any other remedies pursued by the Department or local licensing agency (see **Chapter 12: Enforcement** for additional information).
- A family day care home or large family child care home may not be registered or licensed until proof of background clearances on the operator and all household members have been received and verified in the Clearinghouse for eligibility.
- If the operator of the home, employee, substitute, or any adult household member does not receive clearance on any component of background screening, the license or registration must be denied, unless the individual is granted an exemption.

¹⁸¹ Section 402.308(3)(d), F.S.

- Renewal of family day care home applications. Approximately 90 days prior to the expiration of a family day care home license or registration, the licensing unit shall provide written notification to the operator addressing all licensing and registration renewal requirements. The written notification should include background screening or re-screening requests, if needed, for the operator and any of the household members. Included in this process are any new household members, household members turning 12 or 18 years of age, and 5-year re-screenings. Background screening clearances for operators and all household members must be received before renewing a license or registration, which makes timely notification critical.



Important Information!

In situations where timely-submitted Livescan fingerprints for rescreening are rejected twice by the FBI and a name search is required, the individual who has been previously cleared through Level 2 screening can remain employed until the name check results are received. In order to be considered timely, the Livescan fingerprints must be submitted 30-45 days prior to the date the 5-year rescreen is due. In these situations, while the program should not be cited for being noncompliant, it is important to document the findings on the supplemental form so that it can be addressed at the next inspection visit.

The same principle applies to the registration or licensure of a family day care home or licensure of a large family child care home. If the operator, household members or substitute(s) have been previously cleared through Level 2 background screening and have their timely-submitted prints for rescreening rejected, a provisional license or registration should be issued pending results of the federal records check and screening determination being made by the background screening unit. In the case of a licensed child care facility, a provisional license may be issued at the time of renewal if the owner's or director's timely-submitted Livescan fingerprints for 5-year rescreening have been rejected twice and the background screening unit is awaiting the results of the name search of the federal criminal history records.

Chapter 7: Capacity

Determining Licensed Capacity

Determining licensed capacity is probably the most exacting function of all the licensing counselor's responsibilities and is certainly the most important factor for licensing applicants who will use this figure to plan their entire child care business. Likewise, this number will be used by other agencies, such as environmental health units, fire safety authorities, and local building and zoning authorities in their inspections for compliance with various code requirements. The licensed capacity, as determined by the licensing counselor, may also be used by insurance companies to calculate the provider's risk exposure.

The licensed capacity of a child care provider is determined by the following factors:

- Indoor square footage (facilities and large homes only)
- Outdoor square footage (facilities and large homes only)
- Sewer/septic capacity (as determined by Environmental Health)
- Number of toileting/wash basins (facilities only)

Capacity Matrix	Facilities (except Urban)	Urban Facilities	Large Homes	Licensed Homes
Indoor square footage	✓	✓	✓	✗
Outdoor square footage	✓	✗	✓	✗
Sewer/septic capacity	✓	✓	✓	✓
Number of toilets/wash basins	✓	✓	✗	✗

Licensed capacity is determined by the most restrictive of these factors. For homes that hold a dual license as a family day care and foster home, the total capacity cannot exceed five children, regardless of whether foster children are customarily in the home during child care hours. See Child Care Policy Memo, ["Dual Licensure of Foster Homes and Family Day Care Homes"](#), (June 25, 2003).

Indoor Square Footage

Indoor Square Footage Requirements

Child Care Facilities

Significantly different indoor square footage requirements exist for facilities that held a license before October 1, 1992:

- A child care facility that holds a valid license on October 1, 1992, must have a minimum of 20 square feet of



Required Documentation

The licensing file of a facility that qualifies for reduced square footage must always include documentation of the original license.

usable indoor floor space for each child. *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.*¹⁸² The 20 square foot requirement also applies to any square footage that is added to the facility after October 1, 1996. Any additions that occurred between October 1, 1992 and October 1, 1996 were calculated at 35 square feet, based on the administrative rule that was in effect at that time.¹⁸³ A facility that qualifies for reduced square footage will lose this advantage if the facility ever closes for any reason (either by choice or by administrative action). Child care facilities operating under Religious Exemption are not grandfathered in at the 20 square foot rule if they chose to become a licensed child care facility at a later date.

- A child care facility that did not hold a valid license on October 1, 1992 which seeks regulatory approval to operate as a child care facility after that date must have a minimum of 35 square feet of usable floor space for each child.¹⁸⁴

School Readiness Child Care Facilities

A school readiness program facility must have a minimum of 35 square feet of usable indoor floor space for each child in care. Any school readiness program facility that holds a valid child care license issued by the Department dated on or before October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child in care. This standard applies as long as the facility remains licensed at the site occupied on October 1, 1992 and shall not be affected by any change in ownership of the site. Usable indoor floor space refers to space that is at all times under the exclusive control of the program while children are in care and available for indoor play, classroom, work area, or nap area. To determine overall facility capacity, 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 and designated food preparation areas, 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 to determine total facility capacity. Each room routinely used as a classroom must provide the minimum square footage per child. Shelves or storage for toys and other materials must be considered as usable indoor floor space if accessible to children. Where infants are in care, they must 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.¹⁸⁵

Urban Child Care Facilities

In addition to meeting the indoor square footage requirement for a licensed child care facility, an urban child care facility must substitute additional indoor space for the absence of outdoor play

¹⁸² Section 402.305(6), F.S., and 65C-22.002(3), F.A.C.

¹⁸³ Legal Opinion, "Indoor Square Footage/s. 402.305(6), F.S." (June 13, 1997).

¹⁸⁴ Section 402.305(6), F.S., 65C-22.001(6), F.A.C., Section 3.4.2 Facility Handbook, 65C-22.008(4), F.A.C., and Section 3.4.2 School-Age Handbook

¹⁸⁵ 6M-4.620, F.A.C., and Section 1.1, 1-5 Form OEL-SR-6202

space. An urban child care facility must have a minimum of an additional 45 square feet of usable indoor floor space for 25 percent of the licensed capacity, not including infants.¹⁸⁶

School Readiness Urban Child Care Facilities

If a program has a current urban child care designation from the department as determined by the requirements of Chapter 65C-22, an additional minimum of 45 square feet of usable indoor play space for 25 percent of the program's licensed capacity may be substituted for outdoor play area. The program must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.¹⁸⁷

School-Age Child Care

A school-age child care program that is required to be licensed may choose to submit a written request to the licensing authority for an exception to either the indoor floor space requirement or the outdoor play area requirement. If requesting to operate without an outdoor play area, the program must have a plan for the inclusion of opportunities to develop fine and gross motor skills.¹⁸⁸

School Readiness School-Age Child Care

For school-age programs, rooms that are set up and used only for sedentary activities must have a minimum of 20 square feet of usable floor space per child.¹⁸⁹

Drop-in Child Care Facilities

This is child care in shopping malls or business establishments, provided occasionally 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.¹⁹⁰ Because of the nature and duration of the child care, outdoor play space and outdoor equipment shall not be required for licensure; however, if such play space and equipment are provided, the minimum standards shall apply.¹⁹¹

Indoor Recreation Facilities

These indoor commercial facilities are primarily for entertainment in a planned fitness environment. Child care to a particular child is limited for 4 hours per day and they are exempt from the minimum outdoor-square-footage-per-child requirement if it has a minimum of 3,000 square feet of usable indoor floor space.¹⁹²

Evening Child Care

Because centers that provide evening child care are only exempt from the outdoor play space requirement, such a center is required to provide an open area within the usable indoor floor space that is designated for play that promotes the development of gross motor skills.¹⁹³

¹⁸⁶ 65C-22.001(2), F.A.C. 65C-22.001(6), F.A.C., and Section 3.4.4 Facility Handbook

¹⁸⁷ 6M-4.620, F.A.C., and Section 1.2, 3 Form OEL-SR-6202

¹⁸⁸ 65C-22.008(4), F.A.C. and Section 3.4.4 School-Age Handbook

¹⁸⁹ 6M-4.620, F.A.C., and Section 1.1, 6. Form OEL-SR-6204

¹⁹⁰ Section 402.302(6), F.S.

¹⁹¹ Section 402.305(6), F.S.

¹⁹² Section 402.302(10), F.S.

¹⁹³ 65C-22.007(3)(a), F.A.C.

School Readiness Evening Child Care

For programs that provide only evening care, an outdoor play area is not required. However, an open area within the indoor premises must be designated for play that promotes the development of gross motor skills.

Licensed Family Day Care Homes

There is no specific indoor square footage requirement for licensed family day care homes.

School Readiness Family Day Care Homes

There is no specific indoor square footage requirement for an School Readiness family day care homes (registered home).

Large Family Child Care Homes

All large family child care homes must have 35 square feet of usable indoor floor space per child, which may not include bedrooms unless it can be demonstrated that they are used as multipurpose activity rooms.¹⁹⁴ Measuring and determining the indoor square footage for large family child care homes is similar to child care facilities. There is no exception to the 35 square foot per child requirement (the 20 square foot designation does not apply).

School Readiness Large Family Child Care Homes

There are no additional indoor square footage requirement for School Readiness Large family day care homes.

Determining Indoor Square Footage

“Usable indoor floor space” is defined as that space which is available for the children’s use for indoor play, classroom activities, and napping. Usable indoor floor space is calculated by measuring the interior space from wall to wall at floor level and then subtracting unusable space (space occupied by stairways, toilet and bath facilities, permanent fixtures, and non-movable furniture). Kitchens and designated food preparation areas, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space to determine total facility capacity. Each room routinely used as a classroom must provide the minimum square footage per child as described in the “Indoor Square Footage Requirements for Child Care Facilities” section above.¹⁹⁵ Although the definition of usable floor space does not specifically address all situations, the operative words in the definition are “space available for the children’s use.” There may be other areas of the indoor square footage that are not accessible to children or not used in the day-to-day operation of the facility or large home—such as entry ways, reception areas, hallways, storage and utility areas, and staff lounges or staff work areas—that may not be included in usable floor space. The licensing counselor may be required to make prudent and reasonable decisions when determining usable indoor floor space. For example, a garage that is a pleasant well-lit environment with no safety hazards and is heated and cooled appropriately may be considered indoor play space.

¹⁹⁴ 65C-20.008(6), F.A.C. and Section 7.6, O. FDCH/LFCCH Handbook

¹⁹⁵ Section 402.305(6), F.S., 65C-22.001(6), F.A.C., Section 3.4.2 Facility Handbook, 65C-22.008(4), F.A.C., and Section 3.4.2 School-Age Handbook

Usable

- ✓ Shelves or storage for toys and other materials, if they are accessible to children.
- ✓ Bedrooms (in large family child care homes), if it can be demonstrated that they are used by the children as multipurpose activity space.

Not Usable

- ✗ Space occupied by stairways, toilet and bath facilities, fixed cabinetry and furniture, and most types of storage space (with the above exception).
- ✗ Kitchens and designated food preparation areas, offices, laundry rooms, storage areas, bedrooms (with the above exception), and other areas not used in normal day-to-day operations may not be included when calculating usable indoor floor space.

Developing a Floor Plan/Site Plan

The best tool to use to document the usable square footage of a facility or home that is subject to the indoor square footage requirement is a copy of the actual blueprints for the facility/home. The licensing counselor should then take physical measurements on-site and add them to the blueprint. If blueprints are not available, the licensing counselor should draw a floor plan and site plan (which is not necessarily required to be to scale) indicating the facility layout, the measurement of areas included in the usable indoor floor space, the measurement of areas determined to be unusable floor space, the total usable indoor square footage, and the maximum capacity for each area/room.

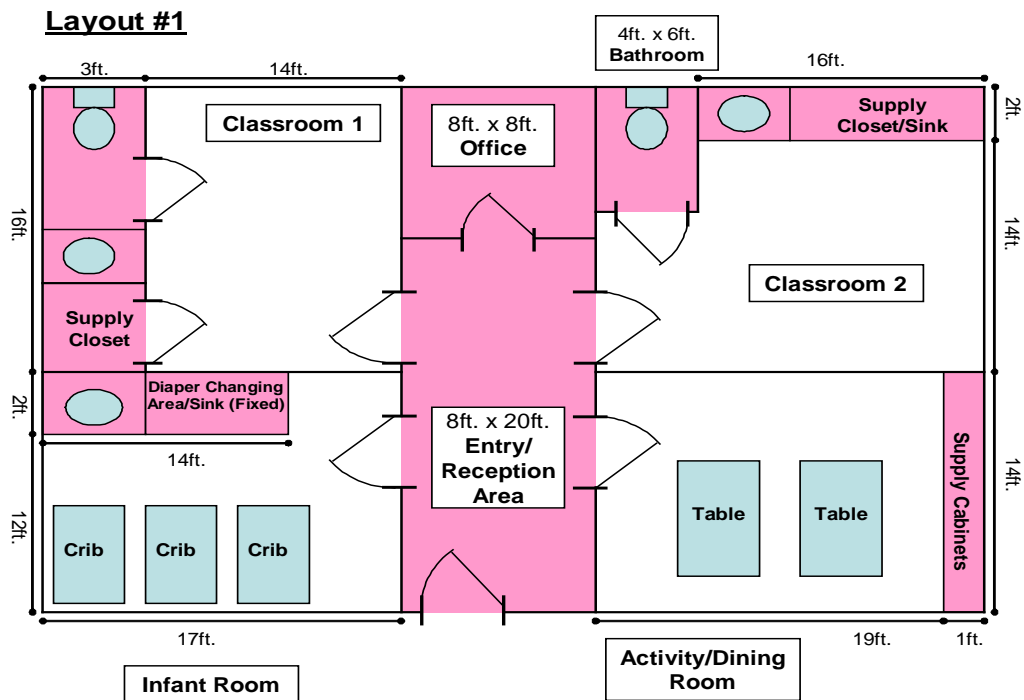
**Recommended practice...**

Have the provider hold one end of the measuring tape in order to feel that the measurements are accurate.

Steps for Determining Indoor Square Footage

1. Determine whether the 20 square foot or 35 square foot requirement will apply. In order to qualify for the 20 square foot requirement, the licensing counselor must verify and document that the facility was licensed on October 1, 1992 and has remained licensed continuously since that time.
2. Obtain a copy of the final blueprints of the facility or walk through the premises and develop a floor plan of the facility. If using blueprints of the facility, the licensing counselor must re-measure each space to ensure that no renovations have occurred that have impacted the dimensions included on the blueprints.
3. Measure each area wall-to-wall at floor level. Measure to the closest inch. If it is ½" or more, round up. If it is less than ½", round down. Include these dimensions on the floor plan.
4. Measure the permanent, non-movable, attached-to-the-floor objects (i.e., cabinets, changing area). Do not deduct crib space. Include these objects on the floor plan.
5. Review your measurements and identify each space with the owner/operator.
6. Do not include non-program space in your usable space calculations (i.e., office, entry, bathrooms, closets, storage space, or hallways) but do include these areas on your floor plan.

7. Subtract the non-usable space from the total floor space to determine the usable floor space of each room.
8. Calculate the capacity of each room by dividing the usable square footage by either 20 or 35 square feet. Then calculate the capacity of the entire facility by adding the capacity of each room. Round up (if the decimal is equal to or greater than .5) or round down (if the decimal is less than .5) to the nearest whole number. Round up or down only to calculate the capacity of the entire facility (not for each individual room).
9. Discuss the possible use(s) of each room. Include the age range of the children and capacity in each room and the activities that may occur in each room. Based on the capacity of each room, the operator may wish to reconsider the room's intended use.

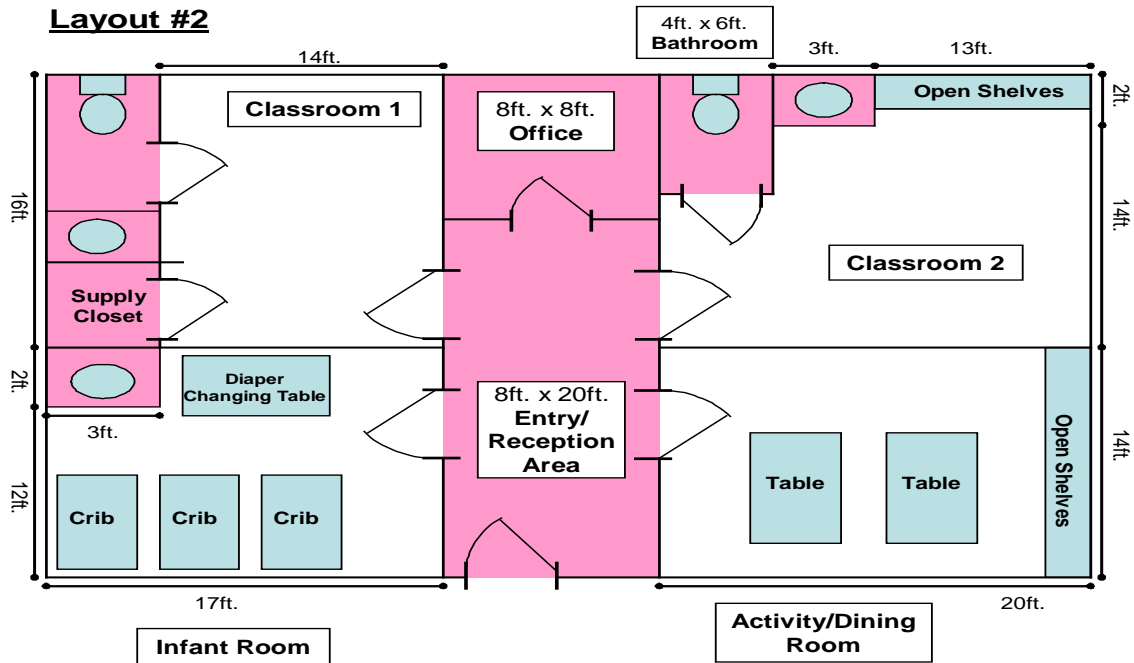


Layout #1	A Square Feet	B Non-Usable Space	(A-B)=C Usable Square Feet	C÷35 Room Capacity	Rounded up/down
Classroom 1	14 x 16 = 224	Not included in measurement.	224	6.4	
Classroom 2	20 x 16 = 320	Bathroom and Supply Closet/Sink (4x6) + (16x2) = 56	264	7.54	
Infant Room	14 x 17 = 238	Diaper Changing Area/Sink 2x14 = 28	210	6	
Activity/Dining Room	20 x 14 = 280	Supply Cabinets 1x14 = 14	266	7.6	
Total Capacity			964	27.54	28

Layout #1

10. When the calculations are completed, the documents should be signed by the counselor and the supervisor and dated.

Layout # 1 and Layout #2 illustrate floor plans for two very similar facility layouts with unusable floor space denoted in red. Note that minor changes in room design can significantly impact usable floor space, which consequently affects capacity. It is imperative that limitations regarding the use of the space be communicated to the applicant.



Layout #2	A Square Feet	B Non-Usable Space	(A-B)=C Usable Square Feet	C÷35 Room Capacity	Rounded up/down
Classroom 1	14 x 16 = 224	Not included in measurement.	224	6.4	
Classroom 2	20 x 16 = 320	Bathroom and Sink (4x6) + (2x3) = 30	290	8.29	
Infant Room	14 x 17 = 238	Sink 2x3 = 6	232	6.63	
Activity/Dining Room	20 x 14 = 280	0	280	8	
Total Capacity			1026	29.32	29

Layout #2

Multipurpose Rooms

Space that is used as a common dining area or for large group assemblies/activities is included in usable floor space for purposes of determining overall facility capacity. Common area square footage may not be counted in such a manner as to expand the capacity of other individual rooms in the facility. Square footage per child and room capacity is determined on a room-by-room basis. While the common area is being used for dining or specific large group assemblies/activities (special

events), the applicable 20 or 35 square foot requirement of usable floor space would not apply although supervision and ratios must still be maintained. This means that, for special events, the overall room capacity may be greater than it would be under normal usage. Remember, each room has a capacity based on either 20 or 35 square feet (whichever is applicable) and cannot be exceeded except for large group assemblies/activities and/or meal time. This is an important distinction for providers to understand and an opportunity for licensing counselors to provide technical assistance. When using the common area for dining activities the child care facility must still adhere to the 15 square foot per child requirement as outlined in the Florida Fire Prevention Code NFPA 101. Suspected violations of this requirement should be reported to the local fire marshal.

In both figures, note the large room that is designated as an Activity/Dining Room. Space that is used as a common dining area or for large group assemblies or activities *is* included in usable floor space. While the Activity/Dining Room is being used for specific large group assemblies or activities, the 35 square foot requirement of usable floor space would be waived for children involved in the special activity. However, the total capacity figure can be misleading unless this space is also used as classroom space for a specific group. Based solely on the amount of usable floor space in Layout #2, the licensed capacity of the facility is 29. However, this does not mean that the facility can divide the capacity of the Activity/Dining Room among the three classrooms. Each child must have 35 square feet of usable floor space in the room in which they are located. This also means that combining groups of children into a smaller space for ease of supervision, such as at naptime, is not appropriate unless the usable floor space of the room is sufficient to accommodate all groups.

Remember, the overall program capacity may be greater than the actual number of children that can be in care because of the utilization/purpose of each room. Each room has a capacity based on either 20 or 35 square feet (whichever is applicable) and cannot be exceeded except for large group assemblies and/or lunch time in multi-purpose rooms as stated above. This is an important distinction for providers to understand and an opportunity for licensing counselors to provide technical assistance.

Once calculated, the capacity for each room must be posted in a conspicuous location within the room.¹⁹⁶

Errors in Calculating Indoor Square Footage

In 2008, the State of Florida, Auditor General's office conducted an operational audit of the Child Care program. The audit reviewed the capacity determinations of twenty child care facilities. Of those twenty facilities, five were found to have measurement and mathematical errors that resulted in incorrect licensed capacities. The Auditor General requested the Department submit a corrective action.

Pursuant to the Auditor General's request, the Department implemented a corrective action plan which included the following. During the first renewal inspection of a child care facility after the implementation of the corrective action plan, the licensing staff were to re-measure the indoor square footage of each child care facility and compare the capacity that was assigned to the facility with the

¹⁹⁶65C-22.001(6), F.A.C., Section 3.4.1 A. Facility Handbook 65C-22.008(4), F.A.C., and Section 3.4.1,1 School-Age Handbook

new capacity calculations. If licensing staff found the original measurements were inaccurate, the following steps were taken:

- ✓ Verified that the new measurements were accurate and the calculations correct (i.e. double checked work and had supervisor verify).
- ✓ Documented the measurements in the licensing file.
- ✓ Advised the owner/director in writing of the Department's error. The letter explained to the provider that the Department erred when calculating the facility's indoor square footage and/or licensed capacity, and that, because it was the Department's error, the capacity would not be reduced so long as the current licensee continuously maintained the license. If, however, there was a change in ownership or the facility license otherwise lapsed, then the capacity would be determined by the correct calculation.

Reducing a facility's capacity due to an error made by the Department could be harmful or detrimental to a facility. Therefore, the current capacity of the facility applies as long as the current owner operates the child care program. However, licensing staff had the provider sign an acknowledgment of the prior calculation error and indicated understanding of the circumstances that will result in the capacity being re-determined. The licensing office must maintain the original signed statement in the licensing file and provide a copy to the owner.

This grandfathering of an incorrect capacity was only for owners of the child care facility where the errors in capacity were made by the Department. If a facility had been remodeled or added structures which deducted from the overall capacity, a change to the capacity was required. The change was documented in the file with the addition of a new floor plan and a changed capacity under the provider information in the web portal.

At time of renewal, if the facility's capacity was determined to be accurate, the re-measurements were documented in the licensing file with an updated floor plan with the date and the initials of the counselor conducting the re-measurements, and the initials of the supervisor verifying the remeasurement.

While the Department did not require a reduction in capacity at the time the error was noted, the facility owner could have chosen to change their capacity to reflect the accurate measurements when they were notified by the Department of the capacity error.

Determining licensed capacity is probably the most exacting task the licensing counselor performs, and it is critical to applicants who use the Department's calculation to develop their business plan. Therefore, licensing staff are to use extreme caution and ensure the exactness of their measurements and calculations, and the licensing supervisor should review and verify the information.

As of January 1, 2011, licensing staff must use the [Capacity Calculator](#) for all capacity determinations and redeterminations. After finalizing a capacity determination, a copy of the facility's floor plan (with measurements notated) and a copy of the Capacity Calculator Summary signed by the owner or director, with the facility/home's final measurements must be placed in the licensing file. A copy of the completed Capacity Calculator Summary must be given to the owner or director.

Outdoor Square Footage

Outdoor play space must be usable, safe, and sanitary and be fenced in accordance with minimum licensing standards (see the appropriate section of the “Guide to the Inspections” attachments) in order to be considered usable outdoor square footage.¹⁹⁷ However, school-age child care programs that choose to provide an outdoor play area may qualify for an exemption to the fencing requirement (see below). Screened porches and covered patios are considered to be outdoor space rather than indoor space. Hazards that are within the outdoor play area must be made inaccessible to children and must be deducted from the usable outdoor square footage.

Outdoor Square Footage Requirements

Child Care Facilities

Facilities licensed both before and after October 1, 1992 must have a minimum of 45 square feet of usable, safe, and sanitary outdoor play area per child one year of age and older. For purposes of determining capacity, the minimum outdoor play area required is calculated at one-half of the licensed capacity, minus the number of children ages birth to one. For purposes of the operation of a facility, any time children are using the outdoor play area, each child must have 45 square feet.

School Readiness Child Care Facilities

Outdoor space refers to space used for outdoor play that is at all times under the exclusive control of the program while children are in care. The outdoor play area must be sufficient and safe to allow freedom of movement without collisions among active children. There must be a minimum of 45 square feet of usable, safe and sanitary outdoor play area per child. At a minimum, the outside play area must be able to accommodate one-half of the program’s total population. Based on the outdoor square footage, the total number of children using the play area at any one time may not exceed the outdoor capacity.¹⁹⁸

Urban Child Care Facilities

By definition, if outdoor play space is not available in the area, an urban child care facility is not required to meet the outdoor play space requirement and may instead substitute additional indoor floor space.¹⁹⁹ However, in order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met and must receive approval from the licensing authority.²⁰⁰

School Readiness Urban Child Care Facilities

If a program has a current urban child care designation from the department as determined by the requirements of Chapter 65C-22, an additional minimum of 45 square feet of usable indoor play space for 25 percent of the program’s licensed capacity may be substituted for outdoor play

¹⁹⁷ 65C-22.001(6), F.A.C., Section 3.4.4A Facility Handbook, 65C-22.008(4), F.A.C., Section 3.4.4,1 School-Age Handbook, 65C-20.008(6), F.A.C., and 7.6 FDCH/LFCH Handbook

¹⁹⁸ 6M-4.620, F.A.C., and Section 1.2 Form OEL-SR-6202

¹⁹⁹ Section 402.305(14), F.S.

²⁰⁰ 65C-22.001(2)(a)2, F.A.C.

area. The program must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.²⁰¹

Drop-in Child Care Facilities

This is child care in shopping malls or business establishments, provided occasionally 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.²⁰² Because of the nature and duration of the child care, outdoor play space and outdoor equipment shall not be required for licensure; however, if such play space and equipment are provided, the minimum standards shall apply.²⁰³

Indoor Recreation Facilities

These indoor commercial facilities are primarily for entertainment in a planned fitness environment. Child care to a particular child is limited for 4 hours per day and they are exempt from the minimum outdoor-square-footage-per-child requirement if it has a minimum of 3,000 square feet of usable indoor floor space.²⁰⁴

School-Age Child Care

A school-age child care program that is required to be licensed may choose to submit a written request for an exception to either the indoor floor space requirement or the outdoor play area requirement. If requesting to operate without indoor floor space, the program must have an alternate plan in the event of inclement weather.²⁰⁵ If requesting to operate without an outdoor play area, the program must have a plan for the inclusion of opportunities to develop fine and gross motor skills. If not requesting an exemption from the outdoor play space requirement, a school-age child care program may operate with an unfenced outdoor play space provided *all* of the following conditions are met ²⁰⁶:

1. All of the children using the outdoor play area are in 5 year old kindergarten and grades 1 and above.
2. In addition to meeting the required staff-to-child ratio, an additional staff member is present to assist in providing direct supervision at all times while the children are using the outdoor play area.
3. The outdoor play area is bordered by a road or street open to travel by the public that has a posted or un-posted speed limit of no more than 25 miles per hour. If the outdoor play area is at least 30 feet from the edge of the road, the street or road may have a posted or un-posted speed limit of up to 35 miles per hour.²⁰⁷
4. Finally, the program must have been provided written authorization from the licensing authority to operate without a fence.

²⁰¹ 6M-4.620, F.A.C., and Section 1.2, 3 Form OEL-SR-6202

²⁰² Section 402.302(6), F.S.

²⁰³ Section 402.305(5), F.S.

²⁰⁴ Section 402.302(10), F.S.

²⁰⁵ 65C-22.008(4), F.A.C., and Section 3.4.2, 5 School-Age Handbook

²⁰⁶ 65C-22.008(4), F.A.C., and Section 3.5.1 School-Age Handbook

²⁰⁷ 65C-22.008(4), F.A.C., and Section 3.5.1 School-Age Handbook

School Readiness School-Age Child Care

There is no provision for Public and Non-public School programs for exemption from Outdoor square footage.

Evening Child Care

Centers that provide evening child care only (operating between the hours of 6 p.m. and 7 a.m.) are exempt from the outdoor play space requirement. Instead, these centers are required to provide an open area within the usable indoor floor space that is designated for play that promotes the development of gross motor skills.²⁰⁸

School Readiness Evening Child Care

For programs that provide only evening care, an outdoor play area is not required. However, an open area within the indoor premises must be designated for play that promotes the development of gross motor skills.

Licensed Family Day Care Home

Although licensed family day care homes are required to provide fenced outdoor play space for children 12 months of age and older, there is no specific outdoor square footage requirement. Homes caring only for infants younger than 12 months of age are not required to have an outdoor play area.²⁰⁹

School Readiness Family Day Care Home

Although school readiness family day care homes are required to provide fenced outdoor play space for children 12 months of age and older, there is no specific outdoor square footage requirement. Homes caring only for infants younger than 12 months of age are not required to have an outdoor play area

Large Family Child Care Home

All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property that is exclusively for the use of the children attending or residing at the large family child care home. For example, the play space cannot be shared with neighboring residences such as a community playground. The outdoor play space requirement does not apply to large homes that care only for infants younger than 12 months of age.²¹⁰

School Readiness Large Family Child Care Home

All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property that is exclusively for the use of the children attending or residing at the large family child care home

Determining Outdoor Square Footage

Because the minimum required outdoor area is based on the licensed capacity, it is usually not determined until the indoor space is calculated. Once the indoor capacity has been calculated, it is necessary to determine the minimum required outdoor space. For a large family child care home, that amount will be 270 square feet. For a facility, because outdoor play space must be provided for a minimum of one-half of the licensed capacity (not including children younger than one year of

²⁰⁸ 65C-22.007(3)(a), F.A.C.

²⁰⁹ Section 7.6 FDCH/LFCCH Handbook

²¹⁰ Section 7.6 FDCH/LFCCH Handbook

age), this number is determined by the following calculation: deduct the anticipated number of children younger than one year of age, based on the capacity of the rooms that are intended for infant use from the indoor capacity that has been calculated, then divide that number by two, and multiply that number times forty-five square feet.

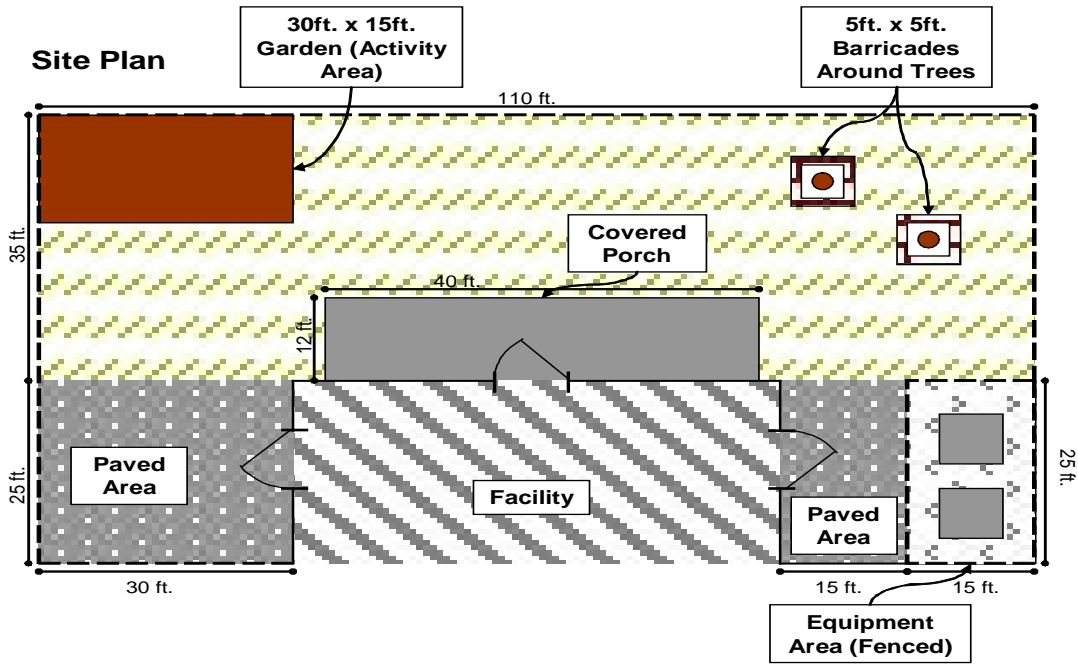
$$\left(\begin{array}{|c|} \hline \text{Indoor} \\ \text{Capacity} \\ \hline \end{array} - \begin{array}{|c|} \hline \text{Infants} \\ \text{younger than} \\ \text{one year} \\ \hline \end{array} \right) \div 2 = \begin{array}{|c|} \hline \text{One-half of} \\ \text{licensed capacity} \\ \text{(not including} \\ \text{infants)} \\ \hline \end{array} \times 45 \text{ sq.ft.} = \begin{array}{|c|} \hline \text{Minimum required} \\ \text{outdoor square} \\ \text{footage} \\ \hline \end{array}$$

As was done for indoor floor space, the outdoor play area is best documented on a blueprint with specific measurements taken by the licensing counselor and added to the blueprint. When blueprints are not available, a site plan showing outdoor play area should be drawn by the licensing counselor and included with the floor plan. If licensing a program that is making a request to be exempt from the fencing requirement (school-age only), the licensing counselor should draw a basic site plan showing that the area to be exempted from fencing is away from heavy traffic areas, business areas, and water hazards, etc. and meets all fencing exemption requirements.

Steps for Determining Outdoor Square Footage

1. Consult a blueprint or draw a schematic of the play area.
2. Measure and label the play area.
3. Identify those areas that are not included in the play space (i.e. flower beds, water hazards, storage sheds, equipment areas, etc.).
4. Calculate the usable square footage.
5. Determine the capacity of the play area.

6. Discuss areas with operator.



Outdoor Play Area	A Square Feet	B Non-Usable Space	(A-B)=C Usable Square Feet	C÷45 Outdoor Capacity	Rounded up/down
Play Area (including garden and porch)	110 x 35 = 3850	2(5 x 5) = 50 Tree barricades.	3800	84.4	84
Paved Area	(25 x 30) + (25 x 15) = 1125	Equipment area not included.	1125	25	25
Total Capacity			4925	109.4	109

Outdoor Play Area.

If the actual amount of outdoor play area is less than the amount that was determined to be required for the indoor capacity, the outdoor square footage could be the limiting factor for the final licensed capacity. When this is the case, it is easy to work the math backwards. For example, an outdoor play area that is sufficient for a maximum of 30 preschool children would inversely imply that a facility could have a capacity of 60 children even though the available indoor space of the facility might accommodate 90 children or more. The chart above shows that the playground can accommodate 109 children at one time because each child must have 45 square feet of outdoor play space. If you multiply this number by 2, you will get 218, which is the maximum indoor capacity for the facility based on the outdoor play area.

Septic/Sewer Capacity

Is the facility connected to a sewer system or a septic tank? If on a septic system, what are the capacity limitations on the septic area? Does the drain field impact the outdoor play space? Environmental Health will do the inspection and complete its form indicating capacity. If the capacity determined by Environmental Health is lower than the calculated capacity determined by the

licensing counselor based on the indoor/outdoor square footage, the most restrictive capacity must be reflected on the license. There are no Environmental Health septic/sewer standards for licensed homes. If a septic or sewer related problem is noted during the inspection of a family day care home or large family child care home, Environmental Health may be consulted and the home may be regulated as a private residence rather than a business. Physical evidence of a failing system, such as raw sewage on the ground, may be cited as a health or safety issue.

Fire Safety Occupancy Load/Capacity

Pursuant to 69A-36, F.A.C., local fire inspectors are required to use the capacity provisions established in Chapter 402, F.S., to determine the maximum occupancy load/capacity of new and existing child care facilities, family day care homes, and large family child care homes, rather than the occupancy loads referenced in the National Fire Protection Association (NFPA) 101.

In the event of a discrepancy between the fire safety occupancy and the capacity determined by child care licensing, the capacity determined based on Chapter 402, F.S., will prevail and is to be reflected on the license.



Recommended practice...

If any conflicts arise with local fire inspectors relating to this issue, refer them to the policy memo referenced in the footnotes, which was issued jointly by the Director of Child Care Services and the Bureau Chief of the Office of the State Fire Marshal.

Number of Toilets/Wash Basins

A child care facility with a licensed capacity of one to fifteen children is required to have one toilet and one wash basin. The facility must have one additional toilet and wash basin for every additional 30 children. However, if only diapered infants are in the facility, only one toilet and two wash basins are needed for every 30 infants.²¹¹

Minimum requirements of the applicable local governing body apply to the design and construction of a new child care facility or the modification of an existing facility. These requirements include the written approval of any construction of a new building; renovation of an older building; or after a natural disaster to properly evaluate and where necessary, remediate or avoid sites where children's health could be compromised. The written approval must include assessments of: potential air, soil, and water contamination on facility site and outdoor play areas; Potential toxic or hazardous materials in building construction, such as lead and asbestos; and potential safety hazards in the community surrounding the site.²¹²

Licensed Capacity	Toilets	Wash Basins
1-15	1	1
16-45	2	2
46-75	3	3
76-105	4	4
106-135	5	5
136-165	6	6
166-195	7	7
196-225	8	8
226-255	9	9
256-285	10	10

The facility must provide current written approval from the local governing body to verify compliance with building and plumbing requirements.²¹³ Such standards may require additional toilet and hand-

²¹¹ 65C-22.001(6), F.A.C., and Section 3.7 B. Facility Handbook.

²¹² 65C-22.001(6), F.A.C., and Section 3.1 Facility Handbook

²¹³ 65C-22.001(6), F.A.C., and Section 3.1 F. Facility Handbook

washing facilities. In addition, a facility must have at least one portable or permanent bath facility available for bathing children.²¹⁴

Please be aware that the standards set in the Florida Building Code differ from what is outlined in Section 3.7 B of the Facility Handbook. The building code differs in that one toilet must be available for every 15 children. In some areas of the state, this standard has been raised by local building inspectors and applies to remodeling or new construction.

In order for a toilet and/or wash basin to be included in the toilet/wash basin capacity, it must be easily accessible and at a height usable by the children. Platforms are acceptable if safely constructed with impervious surfaces that can be cleaned sanitized or disinfected.²¹⁵ For example, restrooms located in an administrative office or teacher’s lounge that are not accessible or appropriate for the children’s use may not be included in the toilet/wash basin capacity.

Steps for Determining the Number of Toilets/Wash Basins:

1. Consult the blueprint or draw the toilets and wash basins on the floor plan of the facility.
2. Identify toilets and wash basins that are accessible to the children.
3. Clearly identify and label toilets and wash basins that are not accessible to children (for example, facilities that are for staff only or at a height not accessible to children).
4. Clearly identify the bath area and note if it is permanent or portable.
5. Determine facility capacity based upon the number of accessible toilets and wash basins.

TYPE OF FACILITY	NUMBER OF FIXTURES	
	Toilets	Wash Basins
Infants only facility? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	4	4
Capacity	76 - 105	

As long as the capacity (based on the indoor/outdoor square footage) falls within or is less than the range determined by the number of toilets and wash basins, the facility meets the toilet/wash basin requirement and it is not a limiting factor. However, this may be the limiting factor if the number of accessible toilets and wash basins supports a capacity that is less than the capacity determined by the indoor/outdoor square footage.

Determining the Final Licensed Capacity

Once all of these factors have been determined, the licensed capacity should be calculated based on the most limiting of the factors. See [Capacity Calculator](#).

CAPACITY FACTOR	CAPACITY
Indoor Space	84 children @ 20 SF/child
Outdoor Space	98 children @ 45 SF/child
Toilet and Washbasins	76 – 105 children
Septic/Sewer Capacity	N/A
Other Capacity Restrictions	None
Final Capacity	84 children, based on indoor square footage

²¹⁴ 65C-22.001(6), F.A.C., and Section 3.7 G. Facility Handbook

²¹⁵ 65C-22.001(6), F.A.C., Section 3.7 A. Facility Handbook, 65C-22.008(4), F.A.C., and Section 3.7.1 School-Age Handbook

A facility or large home may request a licensed capacity that is less than the maximum amount that is determined by the capacity calculation. However, once the license has been issued, the number of children in care may never exceed the licensed capacity unless the provider requests and receives a change to the license.

Chapter 8: Child Abuse and Neglect

General Information

More than one million children in Florida are victims of child abuse and neglect each year. Child abuse and neglect spans all ages, races, religions, and socio-economic backgrounds. Many victims do not receive help because the abuse and neglect goes unreported.

Child care personnel have a legal obligation to report suspected abuse and neglect.²¹⁶ The Department offers a four-hour course, “Identifying and Reporting Child Abuse and Neglect,” as part of its mandatory Part 1 training. This course helps participants understand how to identify and report child abuse and neglect.

In addition to the mandatory training on child abuse and neglect, an annual [Central Abuse Hotline Record Search \(CAHRS\) check](#) is required for certain child care personnel in accordance with background screening requirements²¹⁷ (see **Chapter 2: Licensing** for more information). They must also sign a statement indicating they are aware of and understand the mandatory reporting requirements.

Types of Child Abuse and Neglect

Section 39.201, Florida Statutes, defines child maltreatment as “actions that result in imminent risk of serious harm, death, serious physical or emotional harm, sexual abuse or exploitation of a child under age 18 by a parent or caretaker.” Abuse refers to the physical, emotional, or sexual maltreatment of a child. Neglect is failure to provide physical necessities, emotional support, acceptance, attention, warmth, supervision, and a normal living experience for a child. The difference between abuse and neglect is that if an adult intentionally withholds food, shelter, or any other necessity as a punishment, it is abuse; if they are withheld by circumstances or lack of awareness, care, or education, it is neglect.

Florida law prohibits the following practices as discipline or punishment in licensed child care facilities, licensed family day care homes and large family child care homes.²¹⁸ Registered family day care homes do not have a standard for discipline. They should be encouraged to establish one and share it with the parents or legal guardians. Any discipline measure that

²¹⁶ Section 39.201, F.S.

²¹⁷ Section 402.313(3), 402.3131(2), and 402.3055(1)(b), F.S.

²¹⁸ Section 402.305(12) F.S.

rises to the level of abuse or neglect is not considered appropriate for a registered family day care home and therefore is subject to enforcement. This includes:

- Actions that are severe, humiliating, or frightening.
- Actions that are associated with food, rest, or toileting.
- Spanking and any form of physical punishment.

The most common types of child maltreatments that could occur in a child care program are physical and emotional abuse and neglect.

Physical Abuse

Examples of physical abuse that could occur in a child care program include:

- Slapping, hitting, shaking, or shoving a child
- Pulling a child's hair
- Locking a child in a closet or similar type of restraint or imprisonment
- Painful punishments such as kneeling or standing for long periods of time

Emotional Abuse

Types of emotional abuse include:

- Conveying messages that a child is worthless, unwanted, or unloved.
- Demeaning, ridiculing, or belittling a child.
- Name calling.
- Not letting a child eat, drink, or use the bathroom.

Neglect

Examples of neglect include:

- Leaving a child alone.
- Leaving a child in a place that is not safe.
- Not providing necessary medical attention for a child.
- Not providing protection from hazards.

Reporting Child Abuse and Neglect

The Florida Statutes specify that a report must be made when an individual "suspects" or "has reasonable cause to believe" that abuse or neglect has taken place.²¹⁹ A report of suspected child abuse and neglect indicates that a child *may have been* abused or neglected. The reporter is not required to provide *proof* of child abuse or neglect. That is the child protective investigator's responsibility.

²¹⁹ Section 39.201, F.S.

Mandatory Reporting

There are many professions, such as physicians, teachers, social workers, law enforcement officers and others, that are required to report suspected child abuse or neglect.²²⁰ Child care personnel are also mandatory reporters. A mandatory reporter who fails to report suspected child abuse or neglect may be subjected to fines or a jail sentence under state laws.

When a complaint is received for a licensed child care facility or a licensed or registered family day care home and the allegations could possibly be child abuse, neglect or abandonment, the person giving the information should make a referral to the Department's Central Abuse Hotline. Any report of known or suspected child abuse, abandonment, or neglect by a caregiver or other person responsible for a child's welfare should be made immediately to the Department's Central Abuse Hotline on the single statewide toll-free telephone number, by fax, or online. Personnel at the Department's Central Abuse Hotline will determine if the report meets the statutory definition of child abuse, abandonment, or neglect and if the report will be accepted for the protective investigation. Note: It is the licensing office's responsibility to determine if allegations were reported to the hotline and if not to call the hotline themselves.

There are four ways to make a report:

1. By Phone: 1-800-96-Abuse (1-800-962-2873)
2. By Fax: 1-800-914-0004
3. By Telecommunication Device for the Deaf (TDD):
1-800-453-5145
4. Online: <http://www.myflfamilies.com/service-programs/abuse-hotline/report-online>



Look for...

The phone number of the Department's Central Abuse Hotline must be placed on or near every telephone in a child care facility or home.

It is important to remember that:

- If the situation is an emergency and the child is in immediate danger, the reporter should call 911 and then notify the Central Abuse Hotline.
- The Central Abuse Hotline should be contacted even if the reporter does not have all of the information requested.
- Medical notes, case files, arrest reports, or similar documents should not be transmitted. It is the investigator's job to collect evidence.

Most of the information requested in the report can be found in the child's enrollment file. However, reporters must file a report of suspected abuse or neglect even if not all demographic information is known.

Florida law protects persons who follow mandatory reporting requirements and report suspected cases of child abuse and neglect. Although mandatory reporters must provide their name when filing a report, the law ensures that confidentiality will be maintained.²²¹ Florida law also protects reporters from liability when he or she is acting in good faith.²²²

²²⁰ Section 39.201(1)(d), F.S.

²²¹ Section 39.202, F.S.

²²² Section 39.203, F.S.

Joint Investigations – Institutional Child Abuse or Neglect

When a report is accepted for a protective investigation on a licensed child care facility or a licensed or registered family child care home, the Department is mandated to respond with a joint investigation (protective investigator and licensing counselor), unless independent investigations are more feasible.²²³ This type of investigation is considered "Institutional Child Abuse or Neglect."²²⁴

"Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, agency, or any other person at such institutions responsible for the child's care.

"Other person responsible for a child's welfare" includes the child's legal guardian or foster parent; an employee of any school, public or private child day care center; and includes an adult sitter or relative entrusted with a child's care²²⁵.

When a joint investigation is conducted, communicating information is critical. Each person conducting a joint investigation is entitled to full access to the information gathered in the course of the investigation.

Role of the Child Protective Investigator (CPI)

- The CPI should notify the licensing office that a report has been received. The licensing counselor and the CPI will then begin the investigation, arriving unannounced **unless it is determined that this threatens the safety of the child(ren).**
- The CPI will take the lead in conducting the abuse/neglect investigation with the licensing counselor assisting whenever possible.
- The CPI will determine if immediate safety actions are necessary to protect the children from further abuse, neglect, or abandonment. If the program or facility's owners or administrators have not taken actions to address the situation of harm or threatened harm to a child in their care, the CPI may restrict the alleged perpetrator's access to the child if:
 - The caregiver has harmed a child or made credible threats to harm a child and continues to have access to the child; or
 - The CPI determined that the safety measures of the facility are insufficient to ensure that a child is not further harmed.
- The CPI will determine the child's needs for services, if any, and advise the child's parent or legal custodian of the community resources available to help the child and family cope with the maltreatment.
- The CPI will notify the licensing counselor when the case is closed and will provide information regarding the **findings and** outcome of the investigation.

²²³ Section 39.302(1), F.S.

²²⁴ Section 39.01(33), F.S.

²²⁵ Section 39.01(47), F.S.

Role of the Licensing Counselor

- While the CPI takes the lead in the abuse/neglect investigation, the licensing counselor will take the lead in assessing the situation for possible licensing violations.
- At no time will the licensing counselor interfere with the CPI's investigation.
- The licensing counselor will provide technical assistance to the CPI regarding licensing regulations that may apply.
- The licensing counselor will provide the CPI with the provider's violation history including any pending administrative actions.
- When appropriate, the licensing counselor may help the director of a child care facility or operator of a family day care home understand the process of a child abuse/neglect investigation and seek their cooperation.
- The licensing counselor will initiate a complaint in the Childcare Administration Regulation & Enforcement System (CARES) based on the events that resulted in an investigation. The "child care complaint report" is not protected confidential information; however, the child protective investigation is confidential (refer to the **Chapter 9: Complaints** for additional information). The childcare complaint report may not be closed until the abuse report is closed. Narrative information entered in the CARES should always refer to the CPI as "another agent of the Department" or something similar so the existence of a protective investigation is not disclosed. Any chronological notes or other documents disclosing confidential information that need to be maintained for future actions should be placed in the confidential section of the file.
- When the Department conducts a "team staffing" regarding an institutional abuse investigation, the licensing counselor should offer historical data regarding the licensing status, compliance history, and background screening. A "team staffing" is often conducted in order to assess all available information and plan a consistent Department-wide response.
- The licensing counselor should keep good records, document all contacts, and keep supervisors informed.
- The licensing counselor should provide "media alerts" to appropriate Department staff when the events could come to the attention of the media. "Media alerts" should be shared with all Regional Administrators and Headquarters.



Recommended practice...

During the pre-licensing technical assistance phase, prepare all new licensees for the possibility of an abuse or neglect investigation. When providers understand the process, they are more likely to be cooperative.

Verified Findings – Caregiver Responsible

If an abuse/neglect investigation is closed with verified findings and the caregiver responsible is a child care facility owner, director, or employee; or family day care home operator, household member, substitute or employee in a large family child care home, the incident will generally be classified as a Class I violation and is subject to administrative action. The protective investigator has the authority to restrict the subject's access to children when there is some evidence to show that continued contact constitutes threatened harm to the child.²²⁶ The licensing counselor has the enforcement authority provided in s. 402.310, F.S., and the Administrative Code (refer to **Chapter 12: Enforcement** for information). Actions should be coordinated through Regional Legal Counsel, Regional Administrators, Public Information Officer or any other staff involved in the investigation.



Frequently Asked Question

Question: If the CPI fails to notify the licensing counselor until the abuse report is closed and there are no verified findings, does a complaint investigation still have to be initiated?

Answer: Yes. There may be licensing violations that the CPI was not aware of or did not address.

There may also be a criminal investigation concurrent with the child protective investigation and the licensing complaint. The results may directly impact the background screening status and should be tracked by the licensing counselor.

If there are verified findings and the subject is a family member in a family day care home, the information may be used to make decisions about licensing or registration.

Closed Investigations – No Verified Findings of Abuse, Neglect, or Abandonment

When an abuse/neglect investigation is closed with no verified findings of abuse or neglect, there may still be licensing violations. The licensing counselor must carefully review the facts of the incident to determine whether any regulations regarding licensing or registration were non-compliant. The complaint report in the Licensing Application should thoroughly document the assessment.

Licensing Decisions

According to Chapter 39, Part III, Protective Investigations, when an investigation of institutional abuse, neglect, or abandonment is closed and *a person is not identified as a caregiver responsible for the abuse, neglect, or abandonment alleged in the report, the fact that the person is named in some capacity in the report may not be used in any way to adversely affect the interests of that person.* This applies to any use of the information in employment screening, licensing, or registration.²²⁷

If such a person is a licensee of the Department and is named in any capacity in three or more reports within a 5-year period, the Department may review those reports and determine whether the information contained in the reports is relevant for purposes of determining whether the person's license should be renewed or revoked.²²⁸ See Child Care Policy Memo "[Screening/Use of Central Abuse Hotline Information](#)" (August 15, 2007).

²²⁶ Section 39.302(2)(a), F.S.

²²⁷ Section 39.302(7), F.S.

²²⁸ Section 39.302(7), F.S.

Licensing decisions should be made based on the authority in Chapter 402.26-402.319, F.S. All relevant factors should be taken into consideration including, but not limited to, the facts of the incident, the nature and severity of the violation, how frequently similar violations have occurred, the response of the owner/director/operator, and the likelihood that a similar violation will happen in the future. The health and safety of children in care must always be the primary concern (refer to **Chapter 12: Enforcement** for additional information).



Additional Resources

The video "Child Abuse and Neglect for Caregivers: A Prevention and Reporting Guide" presents information about the definition, indicators, and cause and effects of abuse and neglect. It also contains information about reporting procedures and how to work with children who have been abused or neglected. You can obtain this video by contacting your local training coordinating agency

Persons who would like to talk with a crisis counselor or get more information on abuse and neglect can call the Florida Coalition Against Domestic Violence at 1-800-500-1119 or the Florida Council Against Sexual Violence at 1-888-956-7273.

Legal Review

In joint cases, CPIs and child care licensing will include legal staffing for review of statutory requirements and agency policies.

Communications Protocol

During the joint investigation, the CPI should determine if a multi-disciplinary team is needed and will jointly communicate this information with the licensing office, appropriate supervisor, regional managing director, and senior leadership. When public records are requested, the communication should also include legal and the office of communications.

Chapter 9: Complaints

The Child Care Regulation Program licensing counselor is responsible for investigating complaints involving violations of child care standards. Good planning, in addition to a thorough understanding of the standards, is the key to a successful investigation.

The Department is authorized to investigate complaints or concerns related to licensing, registration, and School Readiness laws and rules. The licensing counselor will follow up on all complaints that allege possible violations of these rules or laws. Concerns such as the amount of money charged for fees, lost clothing, children disenrolled from a facility or home, and program or curriculum concerns, are examples of complaints that cannot be investigated by the Department because they are not violations of standards.



Recommended practice...

Encourage parents who have concerns that do not involve licensing standards to make an appointment with the director/operator during a time that is less hectic than drop-off or pick-up time.

Responding to Complaints

Only complaints alleging violations of licensing, registration, and School Readiness standards can be investigated. For Religious Exempt facility operating under s. 402.316, F.S. only complaints alleging non-compliance of background screening requirements can be investigated. Complaint investigations must be commenced within 48 hours (2 business days). Serious complaints should be investigated immediately. Investigation of a complaint requires an on-site visit to the facility or home at which time the allegations are discussed with the facility director or home operator. The investigation may require more than one on-site contact if the licensing counselor is having difficulty determining if the allegations can be substantiated.



CARES Reminder

Complaint Inspection Reports must be completed in CCRA and uploaded to CARES.

Any complaints received concerning a child injured in a child care setting should be taken very seriously. If a licensing violation occurs and a child sustains or could have sustained an injury, it is appropriate to refer the case for administrative action.

The complaint report must be completed in its entirety, thoroughly documenting allegations, response, and investigative findings.

Complaints Alleging Abuse/Neglect

When a complaint is received that includes allegations that could possibly be child abuse, neglect or abandonment, it is the licensing counselor's responsibility, or whoever takes the

complaint, to obtain the necessary information and refer the reporter to the Central Abuse Hotline (1-800-962-2873).²²⁹ Every attempt should be made to obtain the following information:

- Name, address, and telephone number of the reporter
- Child's name and birth date
- Parent's name, address, and telephone number
- Nature of the complaint
- Name of the alleged perpetrator
- Name and address of the facility or home

Licensing counselors should contact the Central Abuse Hotline or the local Child Protection Investigation Unit to ensure that a report was received. If the reporter has not called the Hotline, the counselor, who is now aware of possible abuse or neglect, must make the call.

While it is the Child Protective Investigation Unit's responsibility to investigate the abuse/neglect allegations, it is the licensing unit's responsibility to investigate alleged violations of licensing standards, registration, or School Readiness requirements. The protective investigator and licensing counselor should conduct a joint investigation, when feasible.²³⁰ The licensing counselor shall make every effort to accompany the protective investigator to provide technical assistance and monitor for possible licensing, registration, or School Readiness violations. This team approach can be beneficial to both the protective investigator and the licensing counselor as it provides for timely communication, sharing of information, and sound case resolution. Remember that, although it is part of the protective investigator's responsibility to inform licensing staff of the investigation results and findings, it is always helpful for the licensing counselor to maintain contact with the protective investigator and to follow up on case progress. Keep in mind that although the Child Protective Investigator may find no evidence of abuse/neglect, there still may be violations of licensing, registration, or School Readiness standards (see **Chapter 8: Child Abuse and Neglect** for more information).



Reminder

Keep the supervisor, Region Safety Program Manager, and Program Analyst apprised of all incidents involving child care facilities or homes.

Due to strict confidentiality laws, copies of abuse/neglect reports, if obtained, must be shredded by licensing staff (see **Chapter 15: Record Keeping**, for additional information).

Complaints Alleging Illegal Operations

An allegation that someone is operating a facility or family day care home without being registered or licensed is handled as a complaint of a potential illegal operation. Licensing staff must make contact with the alleged unregistered/unlicensed provider to determine whether or not care is being provided illegally. The appropriate "Unlicensed Inspection" report in the Licensing Application should be completed and a copy provided to the operator.

²²⁹ Section 39.201, F.S.

²³⁰ Section 39.302, F.S.

All of the appropriate information regarding registration/licensure should be given to the operator. If the operator does not cease operation while completing the registration or licensing process, the appropriate administrative action must be taken (see **Chapter 12: Enforcement**).

Complaints Against Registered Family Day Care Homes

Only complaints alleging violations of the following requirements identified in s. 402.313, F.S., can be investigated:²³¹

- Proof of background screening
- Meeting the number of children in care requirements

The Registered Family Day Care Home Complaint Inspection in CCRA must be utilized to document completion of the complaint investigation. Complaints received alleging abuse, neglect, or abandonment, procedures outlined in the previous “Complaints Alleging Abuse/Neglect” section of this chapter should be followed.

Complaints Against Religious Exempt Programs

Religious exempt providers are regulated by standards established by Religious Accrediting Agencies recognized by the Department. In order to be “recognized,” these agencies must publish and require compliance with standards for health, safety, and sanitation from those child care providers they accredit. In addition, such providers must meet minimum requirements of the applicable local governing body as to health, safety, and sanitation, and must meet the screening requirements pursuant to sections 402.305 and 402.3055, F.S.

Though each recognized Religious Accrediting Agency is responsible for ensuring compliance with health, safety, and sanitation standards, the Department is responsible for ensuring compliance with background screening requirements in religious exempt programs. Pursuant to section 402.316(1), F.S., “failure by a facility to comply with background screening requirements shall result in the loss of the facility’s exemption from licensure.”²³²

Complaints on Standards (Excluding Background Screening)

If licensing staff receive a complaint about a facility with religious exempt status on issues not related to background screening, (e.g., too many children in care, environmental health issues, or staff not trained), staff will refer the caller/complainant directly to the Religious Accrediting Agency. It should be explained to the caller/complainant that it is the Accrediting Agency’s responsibility to ensure that the facilities they accredit comply with their published health, safety, and sanitation standards and that the Department does not have the authority to investigate the complaint. In all cases, licensing staff shall document the details of the complaint and provide a copy to the Religious Accrediting Agency to ensure that the report was received.

Complaints on Environmental Health or Safety Issues

If the complaint involves an environmental health or fire safety issue, the same procedure must be followed by licensing staff, directing the complainant to the appropriate Religious Accrediting Agency and providing a copy of the documentation to that agency and to the applicable local environmental health or fire inspection unit.

²³¹ Section 402.313, F.S.

²³² Section 402.316, F.S.

Complaints on Background Screening

Complaints to the Department alleging a violation of background screening requirements for child care personnel in a religious exempt child care facility, will require an onsite review and verification of the following by licensing staff:

1. Name and address of the religious exempt provider
2. Name of the current facility director
3. Name of the Religious Accrediting Agency that accredits the provider
4. A current "Religious Exemption from Licensure Annual Statement" submitted by the provider and maintained by the licensing unit (the Annual Statement will be part of the automated application process for homes registered or renewed after September 2011).
5. Background screening documentation maintained by the religious exempt provider for each employee

If the results of the on-site review find that the provider records are in compliance with background screening requirements pursuant to sections 402.305 and 402.3055, F.S., then no additional follow-up is required. The on-site review findings shall be documented on the "Religious Exempt Complaint" report on the licensing counselor's laptop. A copy should be provided to the facility director and then archived following supervisory review.

If the on-site review findings indicate that the provider is non-compliant with background screening requirements, the following actions must be taken:

1. The licensing counselor will provide technical assistance regarding screening requirements to the facility director, including an explanation of the process for completion, and a corrective action plan. Regarding corrective action, child care personnel found to be out of compliance with BGS requirements will be allowed to continue working until the end of the work day, however, they will not be allowed to return to the facility until they have been cleared through level 2 screening.
2. A summary of the complaint, the on-site review findings, technical assistance provided, a corrective action plan, and due date must be documented in the Religious Exempt Complaint report and a copy shall be provided to the facility director.
3. Within 3 days after supervisory review, a copy of the "Religious Exempt Complaint" report findings shall be forwarded to the Child Care Program Office's Policy Unit.
4. The Child Care Program Office's Policy Unit will review the findings and within 3 days of receipt, shall provide the Religious Accrediting Agency documentation of the screening deficiencies, technical assistance provided, and the corrective action required.

When compliance is achieved, documentation must be completed in a Re-inspection Report and no further action will be required.

If the religious exempt provider fails to meet the corrective action requirements for screening deficiencies the licensing unit will immediately provide the Child Care Program Office's Policy Unit with an updated summary (Re-inspection Report), including the facility director's actions and statements regarding the deficiencies.

The Child Care Program Office Policy Unit will formally request that the Religious Accrediting Agency intervene with the provider to achieve compliance with the statutory screening

requirements for child care personnel. Continued failure by the religious exempt provider to correct the deficiencies of notification to the accrediting agency will result in the Child Care Program Office Policy Unit collaborating with regional licensing and legal staff to initiate an enforcement action against the provider. Copies of legal documentation related to the Department's proceedings shall be provided to the Religious Accrediting Agency by the Child Care Program Office Policy Unit.

Complaints Alleging Child Abuse or Neglect

When a complaint alleging child abuse or neglect is received by licensing staff, the complainant must be directed to the Department's Central Abuse Hotline by providing contact information. In all cases, licensing staff shall document the details provided by the complainant as well as contact the Central Abuse Hotline to ensure that the report information was received. Child abuse investigation staff located in the region where the incident occurred will conduct an on-site investigation of each report received by the Central Abuse Hotline pursuant to Chapter 39.302, F.S. Child abuse and neglect investigation findings are confidential and will not be released to a Religious Accrediting Agency. However, if there are verified findings and the Department, through the child care licensing unit, takes an action to revoke the provider's religious exemption from licensure, the appropriate Religious Accrediting Agency will be notified of the action.



Important Information!

If neglect or abuse is suspected, it must be reported immediately to the Central Abuse Hotline.

If other issues, in addition to child abuse and neglect are alleged in the complaint, these allegations are to be handled as described in the section above titled "**Complaints on Standards (Excluding Background Screening)**". Prior to communicating with the Religious Accrediting Agency about the "other issues" raised in conjunction with the abuse/neglect allegations, contact must be made with the child protection investigator to confirm that sharing the information will not compromise the ongoing abuse/neglect investigation.

Complaints Against Summer Day Camps

Complaints on Background Screening

Complaints alleging a violation of background screening requirements for a camp will require an onsite review. When onsite, staff are to inquire about completion of the level 2 screening with a clearinghouse eligibility for DCF general and a signed Attestation of Good Moral Character (AGMC) for each owner, operator, employee, and volunteer working in the summer day camp or summer 24-hour camp providing care for children. A volunteer who assists on an intermittent basis for less than 10 hours per month shall not be included in the term "personnel" for the purposes of screening if a person who meets the screening requirement is always present and has the volunteer in his or her line of sight.

If the summer camp is unaware of the screening requirements, provide technical assistance by advising them of the requirements and provide a corrective action date to come into compliance, for example, all staff must submit screening within 24 hours, and complete the AGMC. Licensing staff should follow up with the local screening coordinator or contact the Child Care Program Office after the 24-hour period to assist in expediting the screening results.

The licensing counselor should refer the summer camp to <https://www.myflfamilies.com/service-programs/background-screening/>, to find instructions for requesting an OCA# to gain access to the Clearinghouse prior to having employees fingerprinted via the Clearinghouse. If the summer camp is resistant to the corrective action, contact the Child Care Program Office for assistance in working with legal to follow through on the Department's action to cease the operation of the camp.

Here are a few scenarios staff may encounter with some direction how to handle: When reviewing screening results in an ineligible screening is found - the individual must immediately leave the camp and cannot return until an exemption by the Department has been granted. Or, staff observe/discover only a portion of the summer camp staff have been screened - a corrective action should be completed on the unscreened staff as stated above - they must be screened within 24 hours, including AGMC, and the Department will expedite the results. There will be many different scenarios and staff should not hesitate to contact the Child Care Program Office for assistance in determining the appropriate action to be taken.

Other Complaints

If a complaint received by the licensing staff involves a violation of a licensing standard other than background screening (e.g., over ratio, personnel not adequately trained), the complainant must be advised that the Department does not have the authority to investigate the complaint. The complainant may be referred to contact the abuse hotline if the allegations meet the criteria for acceptance.

If the complaint involves an environmental health (septic, well, swimming pool) or fire safety issue, the same procedure must be followed by licensing staff, directing the complainant to contact the appropriate agency or applicable local environmental health or fire inspection unit.

For complaints on summer camps located in a local licensing county, work with the local licensing unit on the issues.

Investigating a Complaint

All complaints investigated are assumed to contain allegations made in good faith and should be taken seriously and acted on appropriately. The Department views each complaint as being against the facility or home that holds the license or registration, not against a specific individual within the facility or home. Taking and investigating complaints accounts for a significant amount of the licensing counselor's time and requires a set of complex skills and competencies.

The following seven stages describe this process:

Stage 1: Receiving the Complaint

Complaints are usually received by telephone. *Always state up front that when information is given to you, including identifying information, it is written in the licensing file and becomes public record.*

Although reporters are not required to give their names, encourage them to do so and explain that the information will be helpful in case a follow-up call is necessary to clarify directions or acquire additional information about the allegations. If the reporter is a third party, try to obtain the names of persons who have first-hand information about the complaint. Licensing complaints are not confidential. All complaints are public record and will be maintained in the child care licensing/registration file.



Recommended practice...

A cumulative unit [complaint log](#) is recommended for tracking purposes.

The date and time of the receipt of a complaint must be documented. The name of the person who completed the intake, allegations, and reporter information must also be documented. In addition to the intake form, it is recommended that a cumulative unit [complaint log](#) be maintained for tracking purposes. If the counselor assigned to investigate the complaint did not conduct the initial intake, every effort should be made to talk directly with the complainant and gather as much additional information as possible.

In the initial stage of an investigation, it is important to obtain as much specific information as possible. Ask as many questions as necessary to obtain all the details. Allegations such as "kids are mistreated" or "not enough staff" are too vague. It is important to acknowledge the reporter's emotions, but equally important for the licensing counselor to remain objective. The basic questions to ask when receiving a complaint are who, what, when, where, why, and how. Use a professional yet conversational style when determining the nature of the alleged violation. The following are examples of some questions that may be appropriate:

Who?

- Who are the persons involved (including the reporter, any witnesses, children injured, staff at the facility or home who were involved in the incident, or who may have knowledge of it)? If names are unavailable, what did the person look like? Attempt to gather identifying information so that these individuals can be interviewed.
- How can the licensing counselor contact these people (addresses, telephone numbers, places of employment, etc.)?
- Does the reporter know of anyone else who might have knowledge of the same or a similar incident?
- What is the reporter's relationship to the licensee, employee, former employee, volunteer, parent?
- What are the ages or dates of birth of any children involved?
- Did anyone else witness the incident or similar incidents?

What?

- What specifically occurred?
- What standard or regulation does the reporter think is being violated?

- What is the severity of any injuries sustained?
- What is the condition of the other children in care?

When?

- When did the incident occur (date, time,...)?
- If it has been recurring, when and how often has it been observed?
- Was there anything special about the day involved (i.e., school holiday, teacher workday, substitute, etc.)?

Where?

- What is the address of the facility or home? (This is especially important when more than one facility or home has the same or similar name.)
- Where did the incident occur? Outside the facility or home? Inside the facility or home?
- In what room did it occur?

Why?

- What caused the incident?
- Was it related to certain activities or time of day?
- Was there a change in caretaker staff?

How?

- Specifically, how did the incident occur? What was the sequence of events? What objects were used?
- How often has it occurred?
- How does the reporter know that it has occurred?

Stage 2: Planning the Investigation

Once a complaint has been filed, there are several actions that must be taken to ensure that the process is fair to children, parents, providers and the facility's or home's staff. Developing a plan will help the licensing counselor decide who needs to be interviewed, what questions to ask, which records to check, etc. *The on-site visit is always unannounced.* Steps in planning the investigation include the following:

1. **Analyzing the complaint that was received.** Look below the surface. What kind of issues are you dealing with? Has anything of significance or consequence occurred recently? How serious is the allegation(s)? What is the potential risk to the child(ren)? Was this a one-time incident or is it an ongoing problem?
2. **Identifying other agencies that need to be involved.** If a complaint involves environmental health, fire safety, or abuse or neglect issues, additional agencies must be contacted to assist in the investigation.
3. **Determining the regulatory and statutory requirements that are relevant.** What standards are alleged to be in violation? What other related standards might be impacted? What other policy or law must be complied with?

4. **Reviewing the facility or home history.** What has the compliance history of this facility or home been? What previous complaints have there been? How were they resolved?
5. **Developing a plan for the on-site investigation.** What sources of information are available? How many people should be contacted? Who are they? Which information-gathering methods work best and will be the most effective? Do the allegations relate to certain activities or a time of day requiring a visit to the home at a specific time?

Once this information has been collected, it must be analyzed. Look for intangibles like motive or intent. Was this a one-time incident or an ongoing problem? How serious is the allegation? Are the children at risk? This will determine whether to respond immediately or within the 2 days.

Other agencies must be contacted if a complaint involves environmental health, fire safety, abuse or neglect. Remember, too, that you may be part of an investigation that came from a complaint to another agency or program. Know the limits of your authority. What other standards might be impacted? What other laws or policies are applicable? Are there related issues the complainant does not know about?

Stage 3: Conducting the Investigation

Conducting an investigation in a timely and thorough manner is crucial to the determination of facts surrounding the alleged violation(s). During the on-site investigation, an important consideration is the method or manner in which the facility director or home operator will be informed of the allegations. Evidence may be gathered by interviewing the facility director or home operator and staff, children in care, neighbors, parents, and other relatives of children in care, identified witnesses, fire, health or law enforcement officials, etc., as appropriate and applicable. All relevant sources of information should be interviewed. All child care facility staff identified as being directly involved or having direct knowledge should be interviewed *separately*. If staff is not present at the time of the on-site investigation, then it is appropriate to call them at home or return to the facility when they are on-duty. Take written statements from staff if the situation warrants it. Every effort should be made to interview children who are either directly involved or who are witnesses to the alleged violation.

Other information-gathering methods that can be used to conduct the investigation include telephone contacts, surveillance, collateral contacts, written statements, photographs, observation of child(ren), and examination of supplementary evidence such as enrollment forms, time sheets, attendance records, menus, etc. Ask to see incident reports. Is there a discrepancy between the report and the complaint? This stage may be very simple or complex depending upon the nature of the complaint.

Investigations must be as thorough and objective as possible. It is important to ensure that information is protected, so that persons yet to be interviewed are not influenced in any way by information already obtained. It is important to be aware of additional or unanticipated problems that can emerge once an investigation has begun. Be direct and open when communicating complaint allegations.

Documentation is critical. Your notes should be detailed, clear and easy to read and understand. Be sure to document your observations as well.

Stage 4: Evaluating the Evidence

In analyzing the information that has been collected, the evaluation stage reviews the allegations and assesses the evidence gathered in relation to the allegation. This includes analyzing the value and

credibility of the evidence, its relevance, and the source of the evidence, consistency of the evidence, and the strength or weight of the evidence. *Determine whether the complaint is valid or not.*

Then evaluate the possible violation(s) or deficiencies that might have occurred. At a minimum, the following questions should be determined through the counselor’s investigation:

- Was the staff-to-child ratio sufficient?
- Was direct supervision an issue?
- What was the nature of the injury to the child? Was the injury visible?
- Was there any faulty equipment?
- What treatment was administered? By whom?
- Was the parent notified as required?
- Was an accident/incident report made?
- Was there an individual with first aid and infant/child CPR certification on the premises? Was that individual consulted?
- Was all the staff involved screened?

Gather and review all written documentation. If there are discrepancies between the child care personnel and the complainant’s story, contact the complainant to clarify the information.

Analyze the credibility of the people you speak with and the value of the information you gather and weigh it against the complaint allegations in order to determine if a complaint is valid. Remember that it is your responsibility to help improve the quality of care by providing technical assistance. Try to foster a good working relationship with the director/operator and work towards bringing the center back into compliance.

Stage 5: Documenting the Investigation

Upon receipt of a complaint, counselors must document allegation(s) by taking handwritten notes or using the Child Care Complaint Report. Documentation is critical. Two years from now your documentation may be needed for a revocation or another legal action. Notes should clearly identify who was interviewed, when they were interviewed, and what they said.

Utilization of the CCRA is required for documentation of complaint investigations. The counselor must document the “Complaint” and “Summary” sections of the Complaint Reports in CCRA. While there may be times when a complaint inspection is conducted on the same day as a renewal or routine inspection, the complaint must be documented on a separate complaint inspection in the Child Care Regulation Application (CCRA). The complaint component in CCRA includes an inspection report and a complaint narrative component. The complaint narrative must be completed in its entirety, thoroughly documenting allegations, response, and investigative findings. It is important that documentation is specific and factual. Complete



Required Documentation

Receipt date and complaint completion date must be documented in the body of the complaint narrative.



Recommended practice...

Encourage directors to keep open communication with the parents. A director who is available for parent conferences and addresses parents’ concerns may be less likely to be the subject of a complaint.

narratives will include all aspects of the investigation, including who, what, where, when, and how. The report narrative must document that a thorough investigation was conducted and must support the complaint findings. The complaint inspection and narrative should always clearly document that all alleged violations were addressed.

Confidential information on the supplemental form and summary complaint report must be redacted prior to review by the public.

The investigation is considered “complete” when all information has been evaluated and findings are determined. Complaint reports must be reviewed by the supervisor and archived within 10 working days of *completion* of the investigation. The completion date of the investigation must be added into the complaint report narrative prior to uploading the report in CARES.

Stage 6: Communicating the Findings

Once all of the evidence has been evaluated and a decision has been made, the findings must be reviewed with the facility owner/director or home operator. A copy of the complaint inspection and complaint narrative is given to the facility owner/director or home operator upon completion of the investigation. Professional courtesy by the licensing counselor is always important but particularly so during a complaint investigation exit interview. It is important to acknowledge the provider's perspective of the situation in order to create a climate in which problems can be identified and solutions planned. It is not necessary to go into the specifics of who made the complaint or how it came to the attention of the licensing unit. Focus on the findings. If non-compliance has been cited, the discussion in the exit interview offers an opportunity to describe not only the specifics of any non-compliance issue but to also educate the provider about the intent and purpose of requirements that have not been met.

Plans for corrective action should be discussed with input from the provider. *The goal is to determine the facts and see that corrections, if necessary, are made.* Focus on violations of child care standards and solutions, if appropriate. Remember that the counselor's role also includes technical assistance to improve quality of care.

Stage 7: Determining Actions to be Taken

Once the exit interview is completed, if a plan of correction is required, the licensing counselor's responsibilities include:

- Following-up on the corrective action
- Assessing the complaint findings as it relates to the continued licensure of the facility or home
- Pursuing enforcement action as a result of the complaint findings
- Identifying future monitoring needs indicated as a result of the investigation

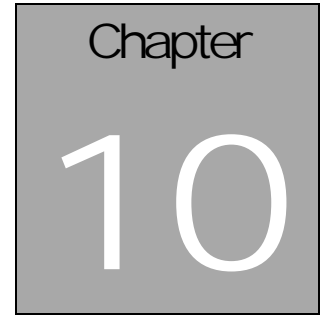
Follow-up must be completed on substantiated complaints to determine compliance with established corrective action due dates. Joint investigations with Child Protective Services may require a coordinated response as discussed in **Chapter 8: Child Abuse and Neglect**. Upon completion of required corrective actions, compliance should be documented on a re-inspection report in CCRA and uploaded to



CARES Reminder

Complaints with no “non-compliance” items will not appear on the Child Care program's website. The supplemental page, narrative of the allegations and findings will not appear on the Child Care Program website. Only the complaint inspection report form will appear if any non-compliance items are checked.

CARES. All investigations of complaints must be included in the licensing/registration file regardless of the findings. The provider must come into compliance within a reasonably determined timeline.



Chapter 10: Credentials

Staff Credential Requirements (Facilities only)

Every licensed child care facility that operates eight hours or more per week is required to have a minimum of one credentialed staff member for every 20 children beginning with the 20th child.²³³ Public school districts which serve four year-old children in before and after school programs are also required to have sufficient credentialed staff in order to accommodate the four year-old children. In addition, Florida law requires that VPK instructional personnel have an appropriate credential.²³⁴

Licensing counselors are not required to review training documentation to determine if child care personnel have met the requirements to *obtain* a staff credential. This is the responsibility of Credential Unit. The role of the licensing counselor is to review documentation issued by the Credential Unit and employee work schedules to ensure that each child care facility has sufficient credentialed staff.

A credentialed staff member is a child care professional who has been issued a Staff Credential Verification documented on their Training Transcript.²³⁵

Types of Staff Credentials

All child care credentials must be active and remain active to be counted for licensing purposes, except the formal education and employment history recognition qualifications.

²³³ Section 402.305(3), F.S., 65C-22.001(6), F.A.C., and Section 4.6.2 Facility Handbook

²³⁴ 65C-22.001(6), F.A.C. and Section 4.6 Facility Handbook

²³⁵ 65C-22.001(6), F.A.C. and Section 4.6 Facility Handbook

A credentialed individual must have one of the following²³⁶:

- **An active National Early Childhood Credential (NECC)**
This category of credential was previously referred to as the “National CDA or other national credential”. A NECC is an early childhood credential approved by the Department and recognized by licensing authorities in at least five (5) states. The NECC incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8), and includes at least two (2) methods of formal assessment. The NECC includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC.



Required Documentation

This requirement is documented by completion of the Staff Credential Verification Application CF-FSP Form 5211 which will then be documented with an “Active Until” date on the individual’s Training Transcript.

- **Formal Educational Qualifications**

1. B.A., B.S., or advanced degree in ONE of the following areas: Early Childhood Education/Child Development, Pre-Kindergarten or Primary Education, Preschool Education, Family and Consumer Sciences (formerly Home Economics/Child Development), Exceptional Student Education, Special Education, Mental Disabilities, Specific Learning Disabilities, Physically Impaired, Varying Exceptionalities, Emotional Disabilities, Visually Impaired, Hearing Impaired, Speech-Language Pathology, or Elementary Education with certification to teach any age birth through 6th grade (certification may be inactive provided the certificate is not suspended/revoked). Additional degrees approved by the Florida Department of Education’s State Board of Education will be accepted.
2. A.S., A.A. degree, or higher in Early Childhood Education/Child Development.
3. Associate’s degree or higher with at least six college credit hours in the areas of early childhood education/child growth and development and at least 480 hours experience in a child care setting serving children ages birth through eight years of age.



Required Documentation

This requirement is documented by completion of the [Staff Credential Verification Application CF-FSP Form 5211](#) which will then be documented on the individual’s Training Transcript with a designation of “Formal Education”. This type of credential does not expire.

- **An Active Birth Through Five Florida Child Care Professional Credential (FCCPC).**

This credential, previously referred to as the Florida Child Development Associate Equivalency (CDAE) credential, includes the following types of programs/certificates:

1. An approved Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program. The Birth through Five FCCPC is 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 (8) years of age.




Required Documentation

This requirement is documented by a designation of “Active Birth Through Five Child Care Credential” and an “Active Until” date on the individual’s Training Transcript.

²³⁶ Section 402.305(3), F.S., 65C-22.001(6), F.A.C., and Section 4.6 Facility Handbook

2. An Early Childhood Professional Certificate (ECPC). The ECPC is a Birth through Five Child Care Credential issued by the Florida Department of Education (DOE).
3. A Child Care Apprenticeship Certificate (CCAC). The CCAC is a Birth through Five Child Care Credential issued by the Florida Department of Education (DOE), which is obtained by completing the DOE Child Care Apprenticeship Program. Students complete all ECPC requirements within the Apprenticeship Program.


- **An Active School-Age Florida Child Care Professional Credential (FCCPC).**
- This credential, formerly the Florida School-Age Certification, is awarded by successful completion of:
 1. An approved School-Age FCCPC Training Program
 2. A school-age training program offered by a branch of the U.S. Military
 3. Active Florida Department of Education School Age Professional Certificate (SAPC)



Required Documentation

This requirement is documented by a designation of "Active School-Age Child Care Credential" and an "Active Until" date on the individual's Training Transcript.

- **Employment History Recognition Exemption.** This exemption was temporarily available in the beginning of the staff credential requirement to assist established field practitioners who were employed on July 1, 1999. If they worked in the child care field for ten or more years and met several other criteria, this credential exemption was available. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for a large family child care home, the Voluntary Prekindergarten Program (VPK), or towards the achievement of a Director Credential. Once awarded, an Employment History Recognition has no expiration date; however, applications for Employment History Recognition Exemption were no longer accepted after July 1, 2006.



Required Documentation


This requirement is documented with designation of "Employment History Exemption" on the individual's Training Transcript. This type of credential does not expire.

Licensing counselors should direct child care personnel to submit their completed Staff Credential Application (CF-FSP Form 5211) and ALL required documentation to:

Florida Department of Children and Families
 Child Care Program Office- Credential Unit
 1317 Winewood Blvd., Building 6, Room 389A
 Tallahassee, Florida 32399-0700

If an individual's professional education meets the criteria, as evidenced by a completed Staff Credential Verification Application CF-FSP Form 5211, a staff credential designation will appear on the individual's Training Transcript. Any questions regarding the Staff Credential Application or the

Additional Resources



A list of recognized NECC programs, approved Birth through Five and School-Age FCCPC training programs and credential programs offered through the Department of Education can be obtained on the Child Care Regulation's website at www.myflfamilies.com/service-programs/child-care/training

credential requirements should be directed to the Child Care Regulation’s website at www.myflfamilies.com/service-programs/child-care/training or the Child Care Training Information Center (CCTIC) at 1-888-352-2842.

Exceptions to the Staff Credential Requirements

The Florida Statutes specifically grant some exemptions from the credential requirement. It also gave the Department authority to establish hours of operation during which the requirement will not apply. Credentialed staff is not required in the following circumstances:

- Child care facilities with 19 or fewer children²³⁷
- Child care facilities that operate less than eight hours per week²³⁸
- Evening child care (6 p.m. to 7 a.m.)²³⁹
- School-age child care programs²⁴⁰

Calculating the Required Number of Credentialed Staff

The required number of credentialed staff for a licensed child care facility is calculated as follows:

20-39 children: 1 credentialed staff member
 40-59 children: 2 credentialed staff members
 60-79 children: 3 credentialed staff members, and so on...

The number of children is calculated on actual daily attendance, not including children who are five years of age or older and who are enrolled in and attend a kindergarten program or grades one and above.²⁴¹ The credentialed staff is not required to work in the classroom; they are only required to work in the facility for 20 hours. The rule does not specify what role they must assume.

To be included in the credential ratio:

- Child care personnel must work at the facility a minimum of 20 hours per week, excluding lunch and nap time. For those facilities that operate 20 hours or less per week, a credentialed staff person must be on-site during all operational hours.
- The credentialed individual may not be working in a child care facility as part of a community service work experience activity under s. 445.024(1)(d), F.S., or a work experience activity under s. 445.024(1)(e), F.S.



Required Documentation

A staff credential must be documented on an individual's Training Transcript and a copy of which must be maintained on-site at the child care facility in the personnel file of each credentialed staff member.

The number of hours worked by credentialed staff must be documented by employee time sheets, personnel work schedules, and other employment records.

The number of children is documented by actual daily attendance as recorded in the attendance log.

²³⁷ 65C-22.001(6), F.A.C., and Section 4.6.1, A Facility Handbook

²³⁸ 65C-22.001(6), F.A.C., and Section 4.6.1, A Facility Handbook

²³⁹ 65C-22.007(3)(b), F.A.C.

²⁴⁰ 65C-22.008(4), F.A.C., and Section 4.6 School-Age Handbook

²⁴¹ 65C-22.001(6), F.A.C., and Section 4.6.1, E Facility Handbook

- The individual’s credential must be “active” (if applicable to that type of credential). An individual whose credential is inactive is ineligible to be counted as a credentialed staff member until their credential has been renewed or the individual has achieved one of the other credential qualifications.²⁴²

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.²⁴³

While a Director must have an active staff credential at the time awarded a Director Credential, the staff credential may expire while the Director Credential is still in effect. Only when the Director has an active staff credential can they be included in calculating the credential ratio.

Staff Credential Requirements (Large Family Child Care Homes)

The operator of a large family child care home must have had a Staff Credential for one year, before seeking licensure as a large family child care home.²⁴⁴ The credential must be documented on the individual’s Training Transcript.²⁴⁵ The credential requirement is the same as above for child care facilities and the credential unit may be called for assistance in reviewing these documents. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirement for a large family child care home.²⁴⁶ An Employment History Recognition Exemption and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Prekindergarten (VPK).²⁴⁷

All child care credentials (except the formal education qualifications) must be active and must remain active to be counted for licensing purposes.

Staff Credential Renewal (Facilities and Large Family Child Care Homes)

All child care credentials must be active and remain active in order to be counted for licensing purposes. Some types of credentials, however, are not subject to renewal. Formal Education and Employment History Recognition credentials are permanently active and do not have to be renewed. All other credentials must be renewed to remain active. Renewal applications may be submitted by child care personnel no earlier than one year prior to the end of the credential’s active period.²⁴⁸



Required Documentation

The renewal date is documented by an “active until” date on the individual’s Training Transcript that reflects that the credential is still valid.

²⁴² 65C-22.001(6), F.A.C., and Section 4.6.1, F Facility Handbook.

²⁴³ 65C-22.001(6), F.A.C., and Section 4.6.1, D Facility Handbook

²⁴⁴ Section 402.3131(1)(a), F.S.

²⁴⁵ 65C-20.008(6), F.A.C., and Section 5.1.3, B FDCH/LFCCH Handbook


²⁴⁶ 65C-20.008(6), F.A.C., and Section 5.1.3, A.3. FDCH/LFCCH Handbook.

²⁴⁷ 65C-20.008(6), F.A.C., and Section 5.1.3, A.4. FDCH/LFCCH Handbook.

²⁴⁸ 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook.

Credentials that are not renewed become inactive; however, the credential remains eligible for renewal.²⁴⁹

- National Early Childhood Credential (NECC) Renewal.** To maintain an active National Early Childhood Credential, it must be renewed through the agency that awarded the original credential or renewed as a Florida Birth Through Five Child Care 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. An individual with an inactive National 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 completed renewal application was processed.²⁵⁰
- Birth Through Five Florida Child Care Professional Credential (FCCPC) Renewal.** To maintain an **active** Birth Through Five FCCPC, 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.²⁵¹
- Florida DOE Early Childhood Professional Certificate (ECPC) or Child Care Apprentice Certificate (CCAC)** To maintain an **active** Early Childhood Professional Certificate (ECPC) or Child Care Apprenticeship Certificate (CCAC), a candidate must renew their Early Childhood Professional Certificate ECPC or Child Care Apprenticeship Certificate CCAC every five years by completing 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 information²⁵². An individual with an **inactive** Florida Department of Education Early Childhood Professional Certificate or Child Care Apprentice Certificate (CCAC) may submit a renewal application, but while inactive, the credential may not be counted to meet the staff credential requirement or used to operate a large family child care home. 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.²⁵³

	Required Documentation
<p>Renewal application will be documented on CF-FSP Form 5211 and updated on the individual's Training Transcript with an "active until" date that reflects that the credential is still valid.</p>	

²⁴⁹ 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook

²⁵⁰ 65C-22.001(6), F.A.C., Section 4.6.3, A. Facility Handbook 65C-20.008(6), F.A.C., and Section 5.1.3, B.1. FDCH/LFCCH Handbook

²⁵¹ 65C-22.001(6), F.A.C., Section 4.6.3, C. Facility Handbook 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook

²⁵² 65C-22.001(6), F.A.C., Section 4.6.3, A. Facility Handbook 65C-20.008(6), F.A.C., and Section 5.1.3, B.1. FDCH/LFCCH Handbook

²⁵³ 65C-22.001(6), F.A.C., Section 4.6.3, A. Facility Handbook 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook

- Florida DOE School-Age Professional Certificate (SAPC) Renewal.** To maintain an **active** Florida Department of Education SAPC, every five years a candidate must renew their SAPC by completing 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.²⁵⁴ An individual with an **inactive** Florida Department of Education SAPC may submit a renewal application on CF-FSP 5211, but while inactive may not be counted to meet the staff credential requirement or used to operate a large family child care home. Once the renewal section of the CF-FSP Form 5211 is completed and all criteria are met, the individual's Training Transcript will be updated with renewed credential information with a renewal date of five years from the date the renewal requirements are met.²⁵⁵
- School-Age Florida Child Care Professional Credential (FCCPC) Renewal.** To maintain an **active** School-Age FCCPC, a candidate must renew their School-Age FCCPC every five years by completing 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. An individual with an **inactive** School-Age FCCPC may submit a renewal application, but while inactive, the individual cannot be counted to meet the staff credential requirement. Once the renewal section of the [CF-FSP Form 5211](#) is completed and all criteria are met, the individual's Training Transcript will be updated with renewed credential information with a renewal date of five years from the date the renewal requirements are met.²⁵⁶
- Note:** If the child care personnel graduated from a CDAE or school-age certification program before the name was changed to FCCPC program, or if they have another credential with a program name that was used prior to the rule revision, effective April 12, 2007, the certificate is still valid, however based on the expiration date, it may not be active. When the credential is renewed, the new certificate will feature the updated program name.
- Note:** All credentials issued prior to December 31, 2003, regardless of issuance date, were eligible to be submitted for renewal before December 31, 2008 if all criteria were met. FCCPC Renewal Certificates were issued with current active dates.



Required Documentation

Renewal will be documented on CF-FSP Form 5211 and updated on the individual's Training Transcript with an "Active Until" date that reflects that the credential is still valid.



Required Documentation

Renewal will be documented on [CF-FSP Form 5211](#) and updated on the individual's Training Transcript that reflects that the credential is still valid.

Staff Credential Enforcement - Facilities

Pursuant to s. 402.305, F.S., every child care facility must have one (1) credentialed staff member for every twenty (20) children in care. A credentialed staff person is defined as a child care professional

²⁵⁴ 65C-22.001(6), F.A.C., Section 4.6.3, C. Facility Handbook, 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook

²⁵⁵ 65C-22.001(6), F.A.C., Section 4.6.3, C. Facility Handbook, 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook

²⁵⁶ 65C-22.001(6), F.A.C., Section 4.6.3, C. Facility Handbook, 65C-20.008(6), F.A.C., and Section 5.1.3, B.3. FDCH/LFCCH Handbook

who has been issued a Staff Credential Verification documented on the individual's Training Transcript²⁵⁷, and who works at the facility a minimum of twenty (20) hours per week.

When calculating the required number of credentialed staff needed based on daily attendance, a provider could be cited as noncompliant with the staff credential requirements if:

- The program does not have sufficient staff with active credentials employed to meet the requirement.
- A credentialed staff member who is counted in the credential ratio does not work at the facility a minimum of 20 hours per week.
- A credentialed staff member who is counted in the credential ratio has an inactive credential which has not been renewed.

The following guidance is provided to ensure consistent enforcement statewide when citing providers found to be operating without sufficient credentialed staff:

1. If an insufficient number of credentialed staff is observed during an inspection, licensing standard #34 will be documented as noncompliant. Licensing staff will cite the following standard violation description:
 - The facility was required to have at least [] credentialed staff and had [] credentialed staff.

A corrective action due date for a period not to exceed 4 months will be given to the provider from the date that the violation is observed. The corrective action due date should be assigned to fall within the earliest dates of the next 45-day window for the next routine or renewal inspection.

2. During the next routine or renewal inspection, which should take place after the correction action due date but within the 45-day window, the staff credential requirement (standard #43) must be monitored to determine if the violation has been corrected.

Note: Licensing staff should not track compliance by a specific individual, as the provider may come into compliance by hiring another staff member with a current Staff Credential Verification, by reducing the program's daily attendance to a level that would be compliant with fewer credentialed staff, by increasing work hours, or by renewing an inactive credential.

3. If the provider continues to be noncompliant for insufficient credentialed staff, licensing staff must repeat steps 1 and 2. This will result in the continued noncompliance occurrences of this licensing standard violation and disciplinary sanctions as outlined on the Progressive Disciplinary Sanctions Matrix will apply.
4. Licensing staff must continue to provide technical assistance and advise the provider that continued noncompliance with this licensing standard will result in administrative action being taken by the Department.

²⁵⁷ 65C-22.001(6), F.A.C., and Section 4.6.A. Facility Handbook

In the rare instance that a violation of the “sufficient credentialed staff” standard occurs during a complaint, or is identified as a new violation during a re-inspection, a corrective action due date of 4 months should be issued. If the next routine/renewal inspection occurs prior to the 4 month corrective due date for the staff credential standard (#34), licensing staff should mark the licensing standard as in compliance if the provider now has sufficient credentialed staff or “Not Monitored” and add the following comment within the inspection report if the provider still has insufficient credentialed staff:

“The provider is currently in violation of the staff credential violation requirement, but has been given a corrective action due date of (insert due date) to come into compliance with the standard. Licensing staff will follow up with the provider after the corrective action date to ensure compliance.

If Item #34 was marked “Not Monitored”, a reinspection must be completed after the corrective action date to determine if the provider now has sufficient credentialed staff. If compliance can be verified by the provision of documentation (i.e. training transcript documenting an active credential, timesheets or daily attendance logs), an on-site inspection is not necessary.

If the provider is still in violation, the violation must be documented within the inspection report and the corrective action due date should coincide within the earliest dates of the 45-day window for the next routine or renewal inspection. This will allow licensing staff to proceed with progressive enforcement for the continued violation of the staff credential standard.

The Child Care Program Office recommends licensing staff monitor caseloads as identified in the management memo, “*Expiring Staff Credential Verifications*” dated December 8, 2008.

In addition, Florida law requires that VPK instructional personnel possess an appropriate credential. If licensing staff finds that a designated VPK teacher does not have an active credential, staff should notify the local Early Learning Coalition or its designated representative.²⁵⁸

Staff Credential Enforcement – Large Family Child Care Homes

Large Family Child Care Home Operators are required to possess an active staff credential verification, documented on their training transcript as condition for licensure to operate as a large family child care home. Program office has been asked to provide direction on the enforcement action to be taken when an operator who holds a current license has an **inactive** staff credential.

Step 1

If the operator **does not** have an active staff credential, because they didn’t complete the appropriate steps for renewal or they did not submit an application, a provisional-status license with a cover letter shall be completed and sent certified mail to the owner/operator or hand delivered by the licensing counselor. The effective dates of the provisional-status license will be the date the Department is made aware of the inactive staff credential and extend for period not to exceed six months.

The cover letter shall include:

²⁵⁸ 65C-22.001(6), F.A.C., and Section 4.6.A. Facility Handbook

1. The effective dates of the provisional-status license and the date the documentation is due (i.e. prior to expiration of provisional license date).
2. A requirement that the owner/operator provide **monthly** updates on the status of their progress. This may be written or telephone contact. (If the provider does not provide monthly updates, the licensing counselor shall maintain contact throughout the provisional-status period).
3. If the noncompliance is due to not submitting an application, the letters shall require submission of an application to the address on the application within 5 working days. (This requirement can be verified by licensing staff by utilizing the Staff Credential Expiration report in the Training Information System under Credential Reports Menu.)
4. Notification that failure to comply with the staff credential requirement, prior to the expiration of the provisional-status license will result in disciplinary action (revocation) pursuant to s. 402.310, F.S.

Step 2

One-month prior to the end of the provisional-status license period, another notification letter shall be sent to all owner/operators who continue to be out of compliance. This serves as a final warning/notice that they must provide the documentation for the active staff credential or action to revoke their provisional-status license will be initiated.

At any time during this process, the operator may **voluntarily** request, in writing, their desire to relinquish their license to operate as a large family child care home and operate as a regular family day care home. Licensing staff will close out the old large family child care home provider profile and then reopen the FDCH provider profile utilizing the previously licensed family day care home license number. Licensing staff are to update the previous ID field in the FDCH profile with the old LFCCH ID number to indicate that there is another licensing file associated with this provider. The FCDH license will be effective the date of the change until the end of the current licensure period.

Step 3

When the staff credential has been renewed, the large family child care homes provisional-status license will be amended to a regular LFCCH license as soon as a copy of the training transcript with the documentation of an active staff credential is received and verified.

Step 4

If the staff credential has not been renewed, the provider has not voluntarily relinquished their license and the six-month provisional period has expired, staff must take administrative action for the revocation of the license to operate a large family child care home due to not meeting the requirements for operation.

Director Credential

The administration of a child care program is a complex job—one that requires extensive skills and knowledge in both child development and program administration. The expectations for directors of child care programs to be well-trained and credentialed are increasing. In keeping with this trend, in 1999 the Florida Legislature revised child care licensing standards to require directors of licensed child care facilities to have a Director Credential. As a result of the legislative changes, the Department developed a comprehensive, renewable Director Credential consisting of three levels of educational and experiential requirements (Level I, Level II, and Advanced).

Effective January 1, 2004, every child care facility was required to have a credentialed director, except during weekend and evening hours.²⁵⁹ A director may only supervise one child care facility, unless the facility is a school-age program. The director is the on-site administrator/supervisor who must be present in the facility a majority of the time that the facility is in operation, except during weekends and evening hours of operation.²⁶⁰ 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.²⁶¹

Director Credential Requirement for School-Age Child Care

A credentialed director may supervise multiple school-age program sites for a *single organization* as follows:²⁶²

- A director may supervise three sites for the same organization, regardless of the number of children enrolled, or
- A director may supervise more than three sites for the same organization if the combined total number of children enrolled at the sites does not exceed 350. When calculating the total number of children enrolled, the number of school-age children in the before-school and after-school program shall be calculated and viewed as separate programs.

In counties in which the public school district has included four year-old children in public school-age programs, the school district may participate in the multi-site supervision option. These programs must also have personnel who meet the staff credential requirement to accommodate the four-year-old children.

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.²⁶³



Reminder

Licensing counselors are not required to review documentation to determine if child care personnel have met the requirements to *obtain* a director credential. This is instead the responsibility of the Child Care Program Office credential unit staff or its representative. The role of the licensing counselor is to review documentation issued by the credential unit and employee work schedules to ensure that each child care facility is in compliance with the director credential requirement.

²⁵⁹ Section 402.305(2)(g), F.S., 65C-22.001(6), F.A.C., and Section 4.7 Facility Handbook

²⁶⁰ 65C-22.001(6), F.A.C., and Section 4.7, B. Facility Handbook

²⁶¹ 65C-22.001(6), F.A.C., and Section 4.7, C. Facility Handbook


²⁶² 65C-22.001(6), F.A.C., and Section 4.7.2 Facility Handbook

²⁶³ 65C-22.001(6), F.A.C., and Section 4.7.2, B. Facility Handbook

- Be at least 21 years of age
- Have completed the approved 40 clock-hour Introductory Child Care Training approved by the Department
- Have completed one of the following:
 1. The Department’s Special Needs Appropriate Practices specialized training module
 2. A minimum of eight hours of in-service training in working with children with disabilities
 3. The Department’s School-Age Appropriate Practices specialized training module

Obtaining a Director Credential

An applicant for a Director Credential must meet certain Core Requirements that apply to all Director Credential candidates and must also meet education and experiential requirements that are specific to the Level I or Level II Director Credential or Advanced Director Credential. An applicant for a Director Credential or Advanced Director Credential must submit a [Florida Child Care Director Credential and Renewal Application \(CF-FSP Form 5290\)](#) to the Child Care Regulation credential unit for review and verification.²⁶⁴



Required Documentation

An active Director Credential will be documented by a CF-FSP Form 5252 with an “Active Until” date that reflects that the credential is still valid.

Child care personnel should be directed to submit their completed Florida Child Care Director Credential and Renewal Application (CF-FSP Form 5290) and ALL required documentation to:

Florida Department of Children and Families
 Child Care Program Office- Credential Unit
 1317 Winewood Blvd., Building 6, Room 389A
 Tallahassee, Florida 32399-0700

If an individual meets the criteria, a Florida Director Credential Certificate (CF-FSP Form 5252) will be issued and will appear on the individual’s training transcript. Any questions regarding the Director Credential Application or director credential requirements should be directed to the Child Care program’s website at www.myflfamilies.com/service-programs/child-care/training or the Child Care Training Information Center (CCTIC) at 1-888-352-2842.

Director Credential Renewal

A Director Credential is valid for five years from the date of issuance. To maintain an active Director Credential (at any level), candidates must meet the renewal requirements and submit a completed renewal application CF-FSP 5290, Florida Child Care Director Credential and Renewal Application, including all required documentation, to the Department. The Director Credential renewal date is determined by the end of the “Active” period, as specified on the candidate’s Director Credential Certificate.

It is the responsibility of licensing staff to monitor progress of directors renewing their credentials. The Web Portal and the Child Care Training Application have tools to assist in monitoring compliance of the Director Credential. Directors may submit their renewal applications no earlier than one year prior to the end of the active period of their credential.

²⁶⁴ 65C-22.001(6), F.A.C., and Section 4.7 Facility Handbook

- a) Run the “Director Credential List” report under the Standardized Reports in the Web Portal. Sort this list by Credential Expiration Date. It is recommended licensing staff begin providing technical assistance to providers a year prior to the inactive date.
- b) Log into the Master Login and select “Child Care Training System.”
- c) Select “Credential Reports Menu.”
- d) Select “Director Credentials Expiration Report.”
- e) Input the dates of the time frames you want to check (for example: 02/01/09 to 02/28/09) and select a county.
- f) Review the list, identify the Directors from the Web Portal list, and review the status of the Renewal. If a Director has begun or completed a renewal application, there will be information in grey. If the information contains a date next to “Renewal Expire Date,” the individual has completed their renewal; otherwise the date field will be blank. If the individual has not submitted an application for renewal, their name will be listed with no renewal information.
- g) If a director does not renew their credential, proceed with Director Credential Enforcement.

A renewal application may be submitted no earlier than one year prior to the end of the active period of the Director Credential. If a renewal application is received after the end of the active period, 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.



Additional Resources

Specific renewal procedures and requirements, and all required forms may be obtained on the Child Care Program’s website at www.myflfamilies.com/service-programs/child-care/training and by clicking on the “Director Credential” link.

Loss of a Credentialed Director and Director Credential Enforcement

A provider may lose a credentialed Director because they did not renew their credential or the Director left the program (terminated/resigned). There are basically two types of scenarios regarding the loss of a credentialed Director – that which involves the provider notifying the Department and the occasion when we discover it during an inspection. The following clarification is provided on how to document director credential enforcement and corrective action time frames within the Licensing Application and how to provide technical assistance:

Step 1

Under both circumstances, the provider's annual license must be changed to provisional-status. A provisional-status license with a cover letter must be sent certified mail to the owner/operator or hand delivered by the licensing counselor. The effective dates of the provisional-status license should be for a period of six months, beginning the 1st day the facility was without a credentialed director.

The cover letter shall include:

1. The effective dates of the provisional-status license and the date the documentation is due (i.e. prior to expiration of provisional license date).
 2. A requirement that the owner/operator provide **monthly** updates on the status of their progress. This may be written or telephone contact. (If the provider does not provide monthly updates, the licensing counselor should maintain contact throughout the provisional-status period).
 3. Require submission of a [Florida Child Care Director Credential and Renewal Application \(CF-FSP 5290\)](#), along with supporting documentation to the Child Care Program Office at the address on the application within 5 working days, if they do not already have a director credential file pending. The submission of the application is extremely important so the owner/operator and director are aware of any outstanding requirements that must be completed before the Department can issue an active Director Credential certificate. (This requirement can be verified by licensing staff by utilizing the Director Credential Expiration Report in the Training Information System.)
 4. Failure to comply with the director credential requirement, prior to the expiration of the provisional-status license will result in disciplinary action (revocation) pursuant to s. 402.310, F.S.
 5. Information regarding a program currently licensed under an exemption allowing 20 square feet per children that has a lapse in their license, for any reason, will result in the loss of their square footage exemption. If they choose to reopen, they will be required to provide 35 square feet per child. As this is a critical issue, please be sure to include the following statement in the letter in a **highly visible manner** (bold, underlined) for those programs only that may be impacted.

“If you are not in compliance with the director credential requirement at the end of your provisional license period, your license will be revoked. If your facility is currently operating under the 20 square feet per child rule (to determine capacity) and your license is revoked, by law, your facility will lose the 20 square feet per child exemption. If you choose to reopen, your facility capacity will be determined using the current 35 square feet per child rule.”
- If the provider reports the loss of the credentialed director to the licensing unit within 5 working days, pursuant to Section 4.7, D. Facility Handbook, staff do not need to generate an inspection report at that time. However, the Provider Information page must be updated to reflect Provisional status and a provisional-status license is to be issued. At the next abbreviated, routine, renewal or complaint inspection, if the provider still does not have a credentialed director, licensing standard #34 will be documented as noncompliant. Licensing staff will cite the following standard violation description:
 1. All owners or operators responsible for the daily operation of the program must have a Director Credential. This standard is not currently met due to [].

A corrective action due date not to exceed six months; will be given to the provider effective the 1st day the facility was without a credentialed director. If they have hired a director by the time of the inspection and the director credential requirement for standard #34 is in compliance the only step required is to return the provider's license to annual-status and the system (provider information) updated accordingly.
 - If the provider does not report the loss of the credentialed director to the licensing unit in a timely manner, i.e., 5 working days, and/or the violation is discovered during an

abbreviated, routine, renewal or complaint inspection, licensing standard #34 will be documented as noncompliant. Licensing staff will cite both of the following standard violation descriptions:

1. All owners or operators responsible for the daily operation of the program must have a Director Credential. This standard is not currently met due to [].

A corrective action due date not to exceed six months; will be given to the provider for the above violation description effective the 1st day the facility was without a credentialed director.

2. The facility owner failed to notify the licensing authority within 5 working days of when the facility lost the credentialed director or when there was a change of director.

The corrective action for this violation description will be shown as completed at the time of inspection.

NOTE: Licensing staff conducting an abbreviated, routine, renewal or complaint inspection during the six-month corrective action period (provisional license period) must cite standard #34 as "Not Monitored," provided all other credential requirements under standard #43 are compliant. In these instances, a comment similar to the one below should be entered as the explanation for "Not Monitored" for standard #34:

3. The provider is currently in violation of the director credential licensing standard requirement, but has been given a corrective action due date of *(insert due date)* to come into compliance with the standard. Licensing staff will follow-up with the provider at the end of the corrective action due date to ensure compliance.

When the director credential requirement for standard #34 is in compliance, the provider's license will be returned to annual status, a re-inspection must be completed showing compliance with the standard to close the loop, and the system (provider information) updated accordingly.

If a licensing supervisor has a question regarding a specific director's application status, they may contact the Credential Unit in program office to verify receipt of the pending renewal application.

Step 2

Document the monthly contacts in the licensing file throughout the provisional-status period. If the provider does not provide monthly updates, the licensing counselor should contact the provider.

Step 3

One month prior to the end of the provisional-status license period, another notification letter shall be sent to all owner/operators who continue to be out of compliance. This serves as a final warning/notice that they must provide the documentation for the active Director Credential or action to revoke their provisional-status license will be initiated. Under unusual circumstances beyond the control of the applicant, the provisional status license may be renewed one time for a period that may not exceed six months. These situations should be reviewed with and approved by the Regional Safety Program Manager and the Child Care Program Office.

Step 4

When the credential has been renewed, the provisional-status license will be amended to a regular license as soon as a copy of the Director Credential certificate or Training Transcript is received, verified, and entered into the system through the Web Portal, as this is a critical issue for VPK providers and Early Learning Coalitions.

Chapter 11: Emergency Management

The State of Florida is vulnerable to a variety of hazards that threaten communities and the environment. Following a natural or man-made disaster such as a hurricane, tornado, or wildfire, child care licensing counselors may become involved in the recovery process. Assuring the safety of children in child care programs is always an important function, but following a disaster, there could be damage to buildings that create dangerous circumstances in locations that were previously safe. One role licensing counselors have after a disaster is assisting child care providers in evaluating the safety of the facility or home for continued operation or reopening. Following a major disaster, most facilities will close. However, child care must be available for emergency personnel such as firemen, medical providers, and utility company employees. Licensing counselors need to be able to meet the needs of their own families and at the same time be prepared to perform their jobs, sometimes under adverse circumstances. Much of the information in this chapter is advice from counselors who have “survived” and worked in post-disaster areas.

Preparing for Disasters

Preparation is critical in order to be able to perform your job functions in a post-disaster environment. Prior to the anticipated arrival of a hurricane, severe storm, or tornado, there will be watches and warnings. Be aware of potential weather problems and stay alert throughout the day to changes in the weather forecasts.

The amount of preparation you can do will vary depending on the type of disaster. Hurricanes are relatively slow moving and may allow many days for preparation, while localized storms, tornadoes, and wildfires may not be anticipated very far in advance. In these cases, the best preparation is having a plan that can be implemented quickly.

Severe Weather in the Field

If you are working in the field and you hear of severe storms or tornado warnings in the area, do what you are told by the local emergency management officials to stay safe. If it is not safe to drive, pull over and wait or seek shelter in a local business. Notify your supervisor as soon as possible regarding your location and safety status. Summer afternoons are especially prone to localized severe thunderstorms that make driving difficult and being outdoors unsafe. If you are in the process of conducting an inspection and the weather is bad, make a note on the inspection report that you were unable to inspect the outdoor playground because of weather and return the next day, if possible, to complete the inspection. Planning your work schedule will allow you to adjust your schedule for an office day to do paperwork when weather is predicted to be stormy.



Additional Resources

For information about travel conditions statewide, call the Florida Department of Transportation's free 511 travel information service. It provides real-time traffic conditions and road closures on all interstate highways in Florida and Florida's Turnpike.

Hurricanes

Following a hurricane, there may be many days when public utilities that we normally take for granted become unavailable. Street signs and landmarks may be gone, phones may be unreliable, and flooding and downed trees make driving hazardous. Working in this environment can be extremely stressful. The things you do ahead of time can make a difference. The Department has a publication called Continuity of Operations Plan (COOP) that was created to assure that the Department can meet its fundamental mission to be responsive to the needs of residents of Florida, particularly during emergencies. You will receive instructions via email or from your supervisor if there is a hurricane. Although licensing staff are not generally considered first responders, once curfew and travel restrictions are lifted and it is safe to drive, the post-hurricane activities begin.

Prepare Your Home and Family

It's important for you to have a plan for your own family during a disaster. There are many sources of information such as television, newspaper, and the internet that provide suggestions for developing a plan for evacuation or the things you will need if you plan to stay. The Child Care Regulation Program has developed a resource, "[Hurricane Preparedness Tips](#)", to assist you in preparing your home in the event of a hurricane.



Additional Resources

For help developing a Family Disaster Plan, go to: www.floridadisaster.org

Preparing Your Office and Equipment

The following list of suggestions will help you prepare to work effectively in a post-hurricane environment:

- Fill your vehicle with gas. With electricity out, gas pumps do not work unless the station is one of the few that has a generator. Even then, there may be long lines. Check the oil and tires also.
- Get cash from the bank in small bills and change. ATMs will not work without electricity and stores may not have change if the cash registers don't work.
- Charge all equipment and have extra batteries available for backup. This includes laptops, printers, mobile phones, GPS devices, etc.
- Prepare a car kit with a weather radio; flashlights; extra batteries to operate your equipment; a raincoat, poncho or umbrella; and a good supply of forms and blank inspection reports. You might want to include a change of clothes and have an extra pair of shoes available in case you get wet.
- Make sure that you have the most current information about your cases. Update the information in the Licensing Application if needed.

- If electricity is out and recharging batteries is not possible, prepare to inspect facilities and homes without your laptop. Print copies of blank inspection forms and any other forms you may need such as contact information for local disaster related authorities such as the Health Department, law enforcement, fire, FEMA, and Florida Division of Emergency Management.
- Secure your office space as instructed by General Services. Unplug and secure all electronics, clear your desk of all loose items and secure them inside the desk or file cabinet, close all office doors, and draw the blinds. Building management will do what they can to secure the building. Large plastic bags will be supplied to cover electronics to prevent water damage. Take your laptop home with you or follow the instructions provided by your supervisor.
- Each office should have an updated phone tree. Home and cell phone numbers and emergency contact information should be available.
- If you are in an evacuation area, let the supervisor know where you will be staying.



Additional Resources

Florida Division of Emergency Management: (850) 921-0311 or www.floridadisaster.org
 Closings of DCF offices around the state: www.dcf.state.fl.us
 Evacuations and closings around the state: www.floridadisaster.org
 Hurricane preparedness, risks to drinking water: www.doh.state.fl.us

Working in a Disaster Area

It's often difficult to predict the exact location of landfall and the strength of storms and hurricanes. As soon as the hurricane or storm has passed through your area, supervisors and staff should use the phone tree to check on everyone. There will be a regional emergency number for staff to call to see when the office is going to be open and when they should report to work. The area in which you work could have either localized or widespread damage from a storm and the first task is usually evaluating the extent of the damage. When it is safe to be out on the road, your supervisor will require all licensed child care facilities and homes to be contacted to determine their needs. It is the licensing unit's responsibility to assure that if damaged facilities or homes are operating, they are operating safely. It is very important that licensing staff be organized and systematic in the assessment of facilities and homes to save time and resources. During the pre-disaster period, headquarters will generate a master listing of providers that will need to be contacted during the post-disaster period. In partnership with the Early Learning Coalitions, Local Licensing Authorities, and Religious Exempt Accrediting Agencies, communication efforts will begin for all provider types when work is safe to resume. Regional licensing staff will be instructed to contact licensed providers. Headquarters staff will contact registered family day care home providers. ELCs will contact the exempt Public/Non-Public School programs that are School Readiness and/or VPK. Religious Exempt Accrediting Agencies will contact religious exempt facilities. All contacts and activities should be documented by using the standardized tracking form that will be provided to the region ahead of an anticipated disaster.

Should the disaster have an isolated impact to one region, surrounding regional and headquarters staff will be recruited to assist with the initial phone contacts to providers in the affected area(s). Should the disaster impact the entire state, each region will be responsible for contacting providers in the respective region. Headquarters staff will be available to assist any region as needed.

Executive Order and Waiver of Licensing Standards

After a disaster, the Governor may issue an Executive Order giving the State Coordinating Officer the authority to suspend statutes, rules, and orders on a temporary basis. When necessary, Headquarters will notify licensing specialists and supervisors as to which standards may be suspended and the duration that they will be in effect. Under no circumstances will a provider be allowed to operate if the facility or home loses power and/or it is determined that the safety of children is in jeopardy. It is the licensing counselor's responsibility to assess all damaged facilities/homes to assess their condition and determine if the damage will affect the health and safety of the children in care. Some providers may be reached by telephone or cell phone and can provide information about the damages or conditions and whether they are operating. Eventually, all will need to have face-to-face contact, but having information in advance may help you prioritize your visits.

Work with other agencies to make the initial contacts. The local Early Learning Coalitions will also be available to conduct inspections of child care facilities and homes that participate in the School Readiness or Voluntary Pre-Kindergarten programs.

Planning for Inspections

On-site inspections are required prior to reopening any damaged child care facility or family day care home. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours as to their status of operation for the licensing authority to ensure that health standards for continued operation have been met.²⁶⁵

Before going into the field, be prepared to work under adverse circumstances:

- Have a plan or itinerary and share it with your supervisor. Telephone service may be unavailable. Even cell phones depend on towers in order to work and are often overloaded or not functioning after a hurricane. Someone in the office needs to know where you are going and when you expect to be back.
- There may not be places to purchase lunch or drinks, so it is wise to pack your own cooler with lunch and plenty of water. If stores are open, change may be a problem so carry small bills and change.
- Dress appropriately. Because you may have to walk through areas that have severe damage, sturdy shoes are a must. Most hurricane-related injuries happen after the storm when there may be exposed nails, glass, or other hazards that could be stepped on. It is unlikely that any providers will have electricity, so air conditioners will not be working. Dress should be “business casual” and if you have a shirt with the agency insignia; it will help you to be readily identifiable by providers and other recovery personnel.
- Take hand sanitizers, moisture wipes, and a small first aid kit with Band-Aids and antibiotic cream.
- Take maps and GPS devices if available. If street signs are down and landmarks are gone or significantly altered by storm damage, finding your way can get tricky. Having a map will at the least enable you to count intersections to get to the correct street.

²⁶⁵ 65C-22.001(6), F.A.C., Section 3.8.6 Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.22 FDCH/LFCCH Handbook.

- Drive with caution and never drive into a flooded street. Be aware that there may be trees blocking the roads or electric lines may still be down in some areas. Find an alternate route even if it takes more time.

Conducting Post-Disaster Inspections

Document all contacts in the licensing file. For inspections, use the Child Care Regulation Application (CCRA). Use a routine inspection report template to document the site visit. Standards that are not being enforced at the time of inspection in accordance with the current Executive Order/Waiver, must be marked as “not monitored” with a comment explaining the reason.

At a minimum, inspections should include the following:

- Make sure there are no live wires. If you see anything that looks suspicious, do not get out of your car. Call the authorities and report it immediately.
- Be alert for the smell of gas, which could indicate a gas leak. If indoors, evacuate all persons in the building. Call the authorities to report the leak immediately.
- Ensure that the structures are sound. Look at the outside of the facility/home. Shingles may be gone, but is the roof intact? Look for large cracks in exterior walls. Broken windows should be boarded up and glass removed. The inside of the building should be free of glass and other hazardous debris. Look for bulges in the ceiling tiles or sheet rock, which could mean that water is collecting that could collapse the ceiling. Water dripping through light fixtures or in any way contacting electrical outlets is dangerous. Even if the electricity is off, service could be restored without advance notice.
- An alternate power source such as a generator must be permanently installed and maintained in accordance with the manufacturer’s recommendations and comply with the Florida Building Code. The alternate power source and fuel supply shall be located in an area that is not subject to flooding or damage from storm surge
- Make sure that there is no open sewage. Because of flooding, septic tanks may have failed. Lack of electricity to operate pumping stations may cause sewage systems to fail, creating serious health hazards.
- Potable water must be available. In the event well pumps are not operable without electricity or municipal water systems are off or on “boil water” status, bottled water may be allowed temporarily until the water supply is restored.
- Flexible but prudent application of standards should be considered during times of emergencies and crisis. This is the time when common sense should prevail. For example, if a tree has fallen in the outdoor play area and crushed part of the fence, a temporary fence such as the type used at construction sites may be allowed until the tree can be cut up, hauled off, and the fence repaired.
- If there has been flooding, any toys and equipment should be sanitized with ¼ cup bleach per gallon of water.



CCRA Reminder

If you are unable to inspect a standard that would normally apply, use “not monitored,” which requires a comment. When the inspection cannot be completed in one day, use the “Dates and Comments” form in the Licensing Application to document the additional days and the reason.

- If there has been any sewage contact with any surfaces indoors or outdoors, all toys and playground equipment should be sanitized with 1 cup of bleach per gallon of water.
- Any food that requires refrigeration should be discarded if power has been lost for an undetermined amount of time. If the freezer temperature has increased to more than 41 degrees, that food should be discarded also. Packaged food, other than canned, should be discarded if exposed to flood water. Remember: “When in doubt, throw it out.” Facilities and homes without refrigeration should serve only prepackaged foods that do not require refrigeration.
- If children are present, the standards for ratios and supervision always apply.

Pandemic

When a pandemic flu or other epidemic strikes, reducing exposure is the first step in containing the threat. There may be restrictions on the operation of certain businesses, travel, and nightly curfews put in place by the Governor and/or local authorities. The activation of the Department’s COOP for pandemics will determine which office should be closed and when, and what are the best means for continuing mission essential functions. You will receive instructions via email from your supervisor if there is a public health emergency declared.

Personal Preparedness

You can prepare for an influenza pandemic now. You should know both the magnitude of what can happen during a pandemic outbreak and what actions you can take to help lessen the impact on you and your family. Below are some tips for preparation before a pandemic:

- Store a two-week supply of water and food. During a pandemic, if you cannot get to a store, or if stores are out of supplies, it will be important for you to have extra supplies on hand. This can be useful in other types of emergencies, such as power outages and disasters.
- Periodically check your regular prescription drugs to ensure a continuous supply in your home.
- Have any nonprescription drugs and other health supplies on hand, including pain relievers, stomach remedies, cough and cold medicines, fluids with electrolytes, and vitamins.
- Get copies and maintain electronic versions of health records from doctors, hospitals, pharmacies and other sources and store them, for personal reference. HHS provides an online tool intended to help people locate and access their electronic health records from a variety of sources. <http://healthit.gov/bluebutton>
- Talk with family members and loved ones about how they would be cared for if they got sick, or what will be needed to care for them in your home.
- Volunteer with local groups to prepare and assist with emergency response.

Working in a Pandemic

The effects of a severe pandemic could be much more damaging than those of a regular flu season. It could lead to high levels of illness, death, social disruption, and economic loss. Everyday life could be

disrupted because so many people in so many places become seriously ill at the same time. Impacts could range from school and business closings to the interruption of basic services such as public transportation and food delivery.

Executive Order and Waiver of Licensing Standards

After a public health emergency is declared, the Governor may issue an Executive Order giving the State Coordinating Officer the authority to suspend statutes, rules, and orders on a temporary basis. When necessary, Headquarters will notify licensing specialists and supervisors as to which standards may be suspended and the duration that they will be in effect. Under certain circumstances a provider may not be allowed to operate for a period of time, as determined by the health department, if there is a confirmed case (or cases) of infection at the program. In addition, the provider must clean and disinfect thoroughly. It is the licensing counselor's responsibility to contact all facilities/homes to inquire if the provider is operational. If the provider is non-operational, the counselor must update the provider profile in CARES to reflect Non-operational using the Public Health Emergency reason code.

Conducting Inspections During a Pandemic

Document all contacts in the licensing file. For inspections, use the Child Care Regulation Application (CCRA). Standards that are not being enforced at the time of inspection in accordance with the current Executive Order/Waiver, must be marked as "not monitored" with a comment explaining the reason. Additional guidance will be provided from Headquarters and/or supervisor regarding which inspections to prioritize and whether the inspection process will be modified to limit exposure. Should onsite inspections be required, counselors must wear masks and gloves and disinfect all equipment (laptop/tablet, cellular phone, light meter, etc.) after each inspection.

During a Pandemic, it is important for everyone to do their part in preventing the spread of infection. Here are some simple tips you should follow:

- Avoid close contact with people who are sick. When you are sick, keep your distance from others to protect them from getting sick too.
- If possible, stay home from work, school, and errands when you are sick. You will help prevent others from catching your illness.
- Cover your mouth and nose with a tissue when coughing or sneezing. It may prevent those around you from getting sick.
- Wash your hands often to help protect you from germs.
- Avoid touching your eyes, nose or mouth. Germs are often spread when a person touches something that is contaminated with germs and then touches his or her eyes, nose, or mouth.
- Practice other good health habits. Get plenty of sleep, be physically active, manage your stress, drink plenty of fluids, and eat nutritious food.

Closing a Facility

If the decision to close is not made by the owner/operator in the face of serious problems, agencies responsible for inspecting for health and safety standards must do so. The decision to close a facility is a cooperative decision. If the counselor is at the facility to conduct an inspection after a disaster (or during a pandemic) and problems are suspected that could compromise the health and safety of children (other than the ones covered by child care licensing standards), a call for assistance to other agencies is appropriate. The Fire Department and the Department of Health can close a facility based on their assessment of whether the facility is safe or healthy for children and staff to be in the building. The county building inspector's office can also close a facility if they determine that the structure is not sound. All these agencies must give their approval before a facility is licensed, so if that approval is withdrawn at any point, the license must be changed to provisional or non-operational. A provisional license can only be used if the continued health and safety of children in the facility can be assured. The decision to issue a provisional license or to suspend or revoke a license can be based on the documented advice of the agency that has the authority to grant approvals in their specific areas. In order to treat all providers equally, consult with Headquarters prior to taking any action.

Recovery

The recovery period may last for many months and often requires numerous contacts with providers. If there is significant damage to a building or home, the provider may not be able to operate until repairs can be made. Even if damage is minor, in a widespread hurricane event, supplies and workmen may not be readily available. For a pandemic, the recovery period can begin when it is determined the wave is subsiding or has subsided. Headquarters will provide guidance to regional staff regarding the waiver of standards and the status of the license. Licenses due to expire may be extended under the Executive Order and some licenses may need to be suspended. In some cases, the use of indoor areas and/or outdoor areas may be restricted until repairs can be made. Every effort should be made to work with owners and providers who have had significant damage by using provisional, non-operational, and suspended status licenses. However, it is the responsibility of the owner/operator to show a good faith effort to repair the damage, keep the licensing office informed, and be available for follow-up inspections as needed.



CARES Reminder

If a facility or home is unable to operate because of storm damage, change the status of the license from regular to "non-operational" and use the appropriate reason code for disasters.

Chapter 12: Enforcement

It is through the consistent and equitable enforcement of licensing standards that the licensing authority can ensure a safe environment for the children in care and a fair and stable regulatory environment for those providers subject to licensure or registration. The role of the licensing counselor is to understand and explain the scope of the Department's regulatory authority to providers and to apply licensing standards and registration requirements consistently and equitably.

Enforcement is a dynamic and progressive process. Enforcement actions taken by the licensing authority are dependent on the nature and severity of the provider's non-compliance as well as the provider's compliance history. Different progressive enforcement mechanisms from technical assistance to revocation are employed as escalating measures in the Department's progressive enforcement model. The goal of the licensing program is to prevent serious non-compliance issues through positive interactions with the provider before problems occur that could endanger children in care. Although the steps in the Department's enforcement process are generally sequential, there are violations that, due to their severity, require swift and severe consequences.

Enforcement Actions

Types of Positive Licensing Enforcement Actions

Regular Inspections

Thorough, regularly conducted inspections send the message that the provider must be diligent in his or her attention to compliance with all licensing standards.

Technical Assistance

Technical assistance means a Department offer of assistance to a licensee or registrant to correct the statutory or regulatory violations. Technical assistance may be used as a preventative measure *before* a violation has occurred as well as to hopefully prevent a repeat violation. Providing a copy of the law, administrative rules, and handbook of standards to the applicant is the first step in providing technical assistance. Technical assistance shall be provided for ALL violations, and when technical assistance is provided in response to a violation during an inspection, the applicable statute and/or rule handbook will be printed on the inspection document. The provider may need (and may indeed welcome) technical assistance regarding



Recommended practice...

An office conference with the provider may occur at any stage during the enforcement process. Conduct a meeting at the licensing office to review trends, discuss the seriousness of violations, and discuss consequences (or potential consequences if the trend continues) with the provider. Follow up with a letter documenting the issues discussed.

the practical application of these laws and rules. Document the provision of technical assistance on the inspection report (if applicable). Include a chronological note in the provider's file or follow up with a letter summarizing the issues discussed (keep a copy for the provider's file). A provider does not have the defense that they were unaware of the requirement(s) if it has been documented in writing that they were provided with a copy of the law, administrative rules and handbooks, and provided technical assistance regarding their implementation. Opportunities to provide technical assistance include:

Regular inspections

- Complaint investigations
- Provider meetings
- Office conferences scheduled specifically for the purpose of technical assistance

Recognition for Compliance

Never underestimate the positive impact of acknowledging a provider's hard work. A licensing counselor is encouraged to recognize a provider's compliance with a particular licensing standard through oral compliments and/or written statements on the inspection checklist. Be specific. For each licensing standard, the Licensing Application includes a positive comment specifically for this purpose. As with other comments on the inspection checklist, positive statements must be related to the licensing standards, rather than those issues outside of the Department's purview as the regulatory authority (i.e., the provider's personality/demeanor).



Recommended practice...

At the annual provider meeting, consider presenting awards to those providers who have made significant improvements, who exemplify an extraordinary compliance history, or who have developed and implemented a "best practice." This type of recognition creates an incentive for future compliance.

Types of Negative Licensing Enforcement

Corrective Action/Corrective Action Plans

Corrective actions and corrective action plans are the least restrictive type of enforcement action, and are required for every incidence of non-compliance regardless of whether or not further enforcement action is taken. A corrective action can be the completion of a task in order to resolve a specific problem (for example, eliminating an ant bed from the outdoor play area). Non-compliance items that require more time or more steps to correct (such as non-compliance in the area of background screening), or that require a change in a behavior pattern (such as "lack of proper supervision") may require a corrective action plan. Corrective action plans should have input from the provider when possible. For example, a corrective action plan relating to record keeping may include the following:

- Complete the Department's "Guide to Recordkeeping" online course to better understand the record keeping requirements

The licensing counselor may either state the corrective action to be taken on the inspection report itself and he or she may leave a separate Corrective Action Statement with the provider. In either case, the corrective action due date must be specified on the inspection report which is always documented in the system (see **Chapter 4: Inspections** for further details regarding corrective action timeframes). Corrective actions and corrective action plans establish the foundation for more serious enforcement action, if required.

If an item on the Inspection Checklist is found to be in non-compliance and the provider corrects the violation at the time of the inspection, the licensing counselor is to reflect that the violation was corrected at the time of the inspection and include a statement as to what, specifically, was done to bring the item into compliance.

Administrative Complaint Procedures

An administrative complaint is a formal notice of the Department's intent to take administrative action against a facility or home. The program office worked with the General Counsel's office to develop an administrative complaint template for regional licensing staff to use to prepare administrative complaints, and devised the procedures below to allow the licensing offices, in certain circumstances, to prepare and issue administrative complaints without prior approval by the regional legal office. Counselors should seek advice or counsel from their supervisor prior to issuing an administrative complaint.

Enforcement actions that do not require prior review by Regional Legal Counsel (as discussed with the General Counsel's Office) are:

- Class II licensing violations through the third violation;
- Class III licensing violations through the fourth violation of a given standard;

Enforcement actions that require prior review by Regional Legal Counsel are:

- Class I violation(s) of a given standard;
- Probationary status, suspension or revocation of a provider's license, which includes the 4th and subsequent Class II violations, 5th and subsequent Class III violations, and 6th and subsequent Health and Immunization violations.

NOTE: The above enforcement actions meet the threshold for revoking Gold Seal Quality Care designation and the Gold Seal language must be included in the administrative complaint. The Gold Seal administrative action procedure is explained later in this chapter.

Procedures:

- Licensing staff must follow the template to prepare administrative complaints. The licensing unit shall send the administrative complaints directly to the provider by certified mail, return receipt, and provide a copy of the complaint to regional legal staff.
- Regional legal staff generally will not be involved in the administrative action unless licensing staff request technical assistance or the provider requests an administrative hearing to contest the action.
- All administrative complaints must be prepared within 20 working days (includes supervisor and Regional Safety Program Manager review, as appropriate) from the inspection completion date or the last day of the "per day fine period if it is later than the inspection completion date).
- When legal approval is required, administrative complaints must be hand delivered or sent certified mail, return receipt within 5 days of legal approval.

- Simultaneous to hand delivery or mailing the administrative complaint, the licensing unit must update the Administrative Actions information in the web portal (CARES >Inspections tab>Progressive Enforcement>Admin Action tab), including recommended fine amounts.

Providers may choose to dispute the administrative complaint and exercise their right to an administrative hearing in accordance with Chapter 120, F.S. (see subsequent section on Chapter 120 Hearings for more details).

Gold Seal Quality Care Provider Administrative Action

With the passage of SB 1510, the legislature required the Department to link the occurrence of repeated licensing violations to a provider's Gold Seal Quality Care designation. Therefore, prior to a provider being granted a Gold Seal Quality Care designation, the Children's Forum reviews the provider's inspection history to ensure the provider has not had any Class I violations or three or more Class II violations within 2 years preceding their application.

Once a provider has earned the Gold Seal Quality Care designation, they may not have a Class 1 or three or more Class II violations within a two-year period, as these violations are grounds for termination of the Gold Seal Quality Care designation, pursuant to section 402.281(3), Florida Statutes. Also, the provider may 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 citation, as this is grounds for termination of the Gold Seal Quality Care designation.

The statutory language and rules implemented by the Department, effective July 1, 2008, are the basis for the following procedures which are intended to ensure that enforcement actions affecting a provider's Gold Seal Quality Care designation are consistent statewide. Below are the steps to be taken to ensure the termination of Gold Seal Quality Care designation is handled consistently throughout the state:

- Termination of a provider's Gold Seal Quality Care designation will be addressed within the same administrative complaint that addresses the underlying violation. The administrative complaint, in addition to describing the violation and the sanction, must clearly inform the provider that the Gold Seal designation will be terminated and why the loss of Gold Seal is required, with a citation to the applicable provision in the Gold Seal statute and rule. The administrative complaint must clearly indicate the loss of the Gold Seal designation as a department action that may be challenged in an administrative proceeding.
- If the provider does not request a hearing as outlined in the notification of rights statement, region licensing staff will forward a copy of the administrative complaint to the Child Care Program Office, Policy Unit.
- If a hearing is requested and the Final Order supports the revocation of the provider's Gold Seal Quality Care designation, regional licensing staff will forward a copy of the Final Order and administrative complaint information to the Child Care Program Office, Policy Unit.
- Upon receipt of an uncontested administrative complaint or Final Order, the Policy Unit will send a letter to the provider terminating their Gold Seal Quality Care designation.

The effective date of the termination will be the date of the Final Order or the day following the 21st day the provider was given to contest the revocation action, but did not respond.²⁶⁶ If the provider pays the administrative fine prior to the 21st day, the date the provider paid the fine will be the date of termination of the Gold Seal Quality Care designation. If the provider contests the administrative complaint and requests voluntary dismissal of the appeal action prior to the hearing, the date of the written request to dismiss the hearing request will be the effective date of the termination of the Gold Seal Quality Care designation. The provider's information will be updated in the Licensing Application.

- Local Licensing Agencies (LLA) must include language in all Administrative Action and Enforcement Actions for any Class I violation, or three or more of the same Class II violations within a two-year period, that states "the violation may affect the status of the provider's Gold Seal designation pursuant to s. 402.281, Florida Statute." Each LLA is responsible for providing a copy of Administrative/Enforcement Actions, final orders, stipulations, and/or settlement agreements for such violations to Program Office. Violations cited by the LLA that serve as grounds for termination of the Gold Seal are not later challengeable if the provider failed to request a hearing to challenge the LLA's action when the violation was cited.

Additionally, the Policy Unit will notify the Children's Forum, the Department of Revenue (DOR) and the appropriate Early Learning Coalition. For informational purposes, the Gold Seal Accrediting Agency will also be notified of the termination of the provider's Gold Seal Quality Care designation.

A child care program may also lose their Gold Seal Quality Care designation if accreditation is revoked or terminated by the nationally recognized accrediting agency. The Child Care Program Office, Policy Unit, will send a letter to the provider terminating the provider's Gold Seal Quality Care designation effective the date the accrediting agency terminates the provider's accreditation as outlined in Chapter 65C-22.009(2)(b)3 and 65C-20.014(2)(b)3., F.A.C. The provider's information will be updated in the Licensing Application and the appropriate Early Learning Coalition, DOR, and regional licensing staff will be notified.

Enforcement Actions Affecting the Substantial Interests of the Provider
When corrective actions and technical assistance have not been sufficient to remedy continued non-compliance, there are additional actions the Department may pursue. Each of the following administrative actions provides access for the licensee's rights to an administrative hearing in accordance with Chapter 120, F.S. (see subsequent section on Chapter 120 Hearings for more details). In any of these actions, the burden of proof lies with the Department and, therefore, directly with the licensing counselor.

It is important that, when the licensing counselor begins to anticipate that any such action may be necessary, the circumstances are reviewed with the supervisor and/or the Safety Program Manager. When the licensing counselor takes any administrative action, from fines to revocation, where the substantial interests of a provider may be affected, it is essential to ensure notification

²⁶⁶ 65C-22.009(3)(b) and 65C-20.014(3)(b), F.A.C.

and coordination with appropriate regional personnel of the action to be taken (i.e. Regional Administrator, Public Information Office, appropriate supervisors, etc.). Prior to initiating any enforcement action, the licensure file, evidence, and intended action **may** be reviewed with Regional Legal Counsel. It may also be necessary for the counselor and supervisor to conduct a subsequent field inspection to validate the objectivity of the previous inspection. Criteria to use in making that decision are as follows:

- Have the violations caused the children to be exposed to life-threatening safety hazards?
- How many inspections have been made since the last license was issued? How many child care violations existed on each inspection?
- How frequently has the same violation occurred?
- How long did the violations exist?
- Was the operator given official notice in writing of the violations?
- Was the operator given official notice of consequences of non-compliance?
- Was the operator given adequate opportunity, including a reasonable period of time, to achieve compliance?
- Has the operator demonstrated effort or shown progress towards correcting the non-compliance?
- Has the operator given any written indication of intent to comply?
- Is there written evidence that the operator has had a copy of the law and standards?
- What consultation/technical assistance has been offered?

The burden of proof for non-compliance rests with the Department. Clear documentation of areas of non-compliance will help determine if revocation is the only reasonable course of action. Appropriate documentation will strengthen a case in an administrative or court hearing (See [Progressive Disciplinary Sanctions](#) matrix).

Administrative Fine

The Department is authorized to impose an administrative fine for a violation of any provision of ss. 402.301-402.319, F.S., or the rules adopted there under. A fine may be levied *in addition to or in lieu of* any other disciplinary action imposed if the violation could or does cause death or serious harm.²⁶⁷ The administrative fine is generally used only under the following conditions (see [Progressive Disciplinary Sanctions](#) matrix):

- When a child care facility or home is in violation of a standard which may or has threatened the health and safety of the children (also referred to as a Class I violation)
- When a child care facility or home fails to complete corrective action for a Class II or Class III violation within the specified time frame
- When a child care facility, family day care home, or large family child care home is operating without a license or registration²⁶⁸

²⁶⁷ Section 402.310(1)(a)1., F.S.

²⁶⁸ Section 402.312(3), F.S.

- When a child care facility, family day care home, or large family child care home fails to submit a completed application at least 45 days prior to the expiration date of the current license thus, constitutes a licensing violation.²⁶⁹
- For a repeated violation when previous attempts to correct the problem have failed

Although Regional Legal Counsel is reluctant to levy fines - viewing them as an administrative burden - this step in progressive enforcement is an important consequence used to discourage continued noncompliance. In addition, legislation was passed in 2006 that requires a uniform system of progressive enforcement, including guidelines for imposing administrative fines. The proper use of administrative fines should reduce the need for more punitive measures, such as issuing of probationary licenses, denial of licenses, suspensions, revocations, and injunctions to close.

Probationary Status License

Probation is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations within the control of the operator.²⁷⁰ The Department or local licensing agency may convert a license or registration to probationary status as the result of a violation of any provision of ss. 402.301-402.319, F.S., or the rules adopted there under, and require the licensee or registrant to comply with the terms of probation. This may occur when an administrative fine has failed to curb a pattern of non-compliance or when the Department has determined that, due to the severity of a violation, probation is the appropriate first step in enforcement.

A probationary status license or registration may not be issued for a period that exceeds 6 months and the probationary status license or registration may not be renewed. A probationary status license or registration may be suspended or revoked if periodic inspections 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 probationary status licensee or registrant is not making sufficient progress toward compliance with ss. 402.301-402.319, F.S.²⁷¹ When the Department has reasonable cause to believe that grounds exist for the conversion of a license or registration to probationary status, the licensee or registrant must be notified in writing through an administrative complaint²⁷² and given the opportunity for an administrative hearing under Chapter 120, F.S. (see subsequent section entitled Chapter 120 Hearings for more details).²⁷³

In addition, if it is determined that immediate serious danger to the public health, safety, or welfare requires emergency restriction/limitation of a license, the Department may take such action by any procedure that is fair under the circumstances if:

- Only that action necessary to protect the public interest under the emergency procedure is taken.
- The agency states in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare, and its reasons for concluding that the procedure used is fair under the circumstances. The

²⁶⁹ 65C-22.010(2)(c) and 65C-20.012(3)(d), F.A.C.

²⁷⁰ 65C-20.012(1)(b), F.A.C. and 65C-22.010(1)(b), F.A.C.

²⁷¹ Section 402.310(1)(a)2., F.S.

²⁷² 65C-22.010(3), F.A.C.

²⁷³ Section 402.310(2), F.S.

agency decision is appealable under Chapter 120, but the restriction/limitation is immediate and the provider must comply with the limitations or restrictions unless and until the final order rescinds the Department's decision.²⁷⁴

The issuance of a probationary license works the same as administrative complaints, such as fines and revocations. The provider is given their due process rights in the administrative complaint that outlines the Department's intent to place their license on probationary status. At the end of the 21 days, if a hearing is not requested, the probationary status license will be issued as stated within the administrative complaint. If a hearing is requested, the provider will continue to operate under their current license. The outcome of the administrative hearing process will determine if the provider's license will be changed to probationary status or if the operator will continue to operate on their previous license status.

Denial

Denial of a license or registration is a direct response to a pending application for a license or registration (new facilities/homes/change of ownership) and is refusal of permission to operate. This may occur when an administrative fine and probation have failed to curb a pattern of non-compliance or when the Department has determined that due to the severity of a violation, denial of the license or registration is the appropriate first step in enforcement. Specific grounds for denial of a license include, but are not limited to:

- 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), F.S. This violation is required by law to result in automatic denial or revocation of the license in addition to any other remedies pursued by the Department or local licensing agency.²⁷⁵
- The licensing counselor's assessment that a new facility or home is not ready to open (has not met the requirements for licensure or registration) and the statutory time limit on the application has been exhausted. In this case, the applicant may re-apply at a later time.
- The discovery that information included on the application is fraudulent.

When the Department has reasonable cause to believe that grounds exist for the denial of a license or registration, the licensee or registrant must be [notified in writing](#) through an administrative complaint or a notice of intent to deny a pending renewal application and given the opportunity for an administrative hearing under Chapter 120 (see subsequent section entitled Chapter 120 Hearings for more details).²⁷⁶ When an application for a new license is denied, the licensee has the right to request an administrative hearing (information about which must be included with the formal notice of denial); however, the facility or home **may not operate** until after the administrative hearing, and may then operate only if the outcome of the hearing is in favor of the applicant.

Non-Renewal

Denial of an application to renew a license is a refusal or withdrawal of permission to operate and is a direct response to the pending application of an existing facility or home. This may occur when an administrative fine and probation have failed to curb a pattern of non-compliance, when the provider fails to meet the requirements for licensure or registration, or

²⁷⁴ Section 120.60(6), F.S.

²⁷⁵ Section 402.3055(2)(g), F.S.

²⁷⁶ Section 402.310(2), F.S.

when the Department has determined that, due to the severity of a violation, non-renewal of the license or registration is the appropriate first step in enforcement. Specific grounds for denial of an application to renew a license include, but are not limited to:

- Refusal on the part of an applicant or licensee to pay fines previously imposed as a sanction against the license that was not contested, or that was affirmed at an administrative hearing.
- 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), F.S. This violation is required by law to result in automatic denial or revocation of the license in addition to any other remedies pursued by the Department or local licensing agency.²⁷⁷
- The licensing counselor’s assessment that the facility or home does not meet the requirements for renewal of licensure or registration and the statutory time limit on the application has been exhausted. In this case, the applicant may re-apply at a later time.
- The discovery that information included on the application is fraudulent.

When the Department has reasonable cause to believe that grounds exist for the non-renewal of a license or registration, the licensee or registrant must be [notified in writing](#) through an administrative complaint or a notice of intent to deny a pending renewal application, and given the opportunity for an administrative hearing under Chapter 120.²⁷⁸ Upon notification of non-renewal, the facility or home **may continue to operate** pending the results of the administrative hearing, but only if one is requested. However, this does not preclude the Department from seeking an emergency suspension²⁷⁹ or an [injunction](#) to close²⁸⁰ if the Department determines that the situation is an immediate and serious danger to the public health, safety, or welfare if children were allowed to remain in care.

Suspension of Operations

The Department or local licensing agency may suspend a license or registration as the result of a violation of any provision of ss. 402.301-402.319, F.S., or the rules adopted there under.²⁸¹ Suspension of operations is an enforcement measure that occurs during an active license or registration year. Suspension is the last opportunity for a provider to correct deficiencies and achieve compliance with the Florida Administrative Code and Florida Statutes before revocation.

Reasons to suspend a license include, but are not limited to:

- **Lapse of provisional license.** Suspension is an appropriate action when corrective action is beyond the control of the operator and the legal time limits of a provisional license have been exhausted.
- **Repeated or serious violations.** When administrative fines and probation have failed to correct a pattern of non-compliance, suspension is the next step in progressive



Reminder

Maintain close contact with the provider and agencies responsible for conducting inspections (Environmental Health, Building Department, Code Enforcement, and Fire) and continuously verify that the facility or home remains closed during suspension.

²⁷⁷ Section 402.3055(2)(g), F.S.

²⁷⁸ Section 402.310(2), F.S.

²⁷⁹ Section 120.60(6), F.S.

²⁸⁰ Section 402.312, F.S.

²⁸¹ Section 402.310(1)(a)3., F.S.

enforcement. The Department may also determine that, due to the severity of a violation, suspension may be the appropriate first step in enforcement.

- **An allegation of overt abuse or neglect.** A license may be suspended pending the outcome of an abuse investigation based on a protective investigation that indicates that any child attending the facility or home might be at risk, not just the alleged victim(s). In this instance, such an action must be well-documented and closely coordinated with protective investigations and the respective law enforcement agency. *The licensing counselor must inform his or her supervisor immediately upon receipt of information regarding abuse/neglect allegations.*
- **Natural Disaster.** In the event that damage from a natural disaster is severe enough that occupancy of the facility/home by children is determined to be hazardous (including the prolonged loss of any utility services), the license status must be changed to “non-operational” until such time that compliance is determined to be satisfactory based on inspection. If the owner indicates an intention to re-open and the re-opening extends beyond the re-licensure date, the original license must be renewed. Because the natural disaster is no fault of the owner, when the original license is renewed a licensed child care facility may maintain its original square footage standard (if operating under the 20 foot requirement). This does not preclude the fact that local ordinances may require repair or rebuilding to meet local codes for new construction.

When the Department has reasonable cause to believe that grounds exist for the suspension of a license or registration, the licensee or registrant must be notified in writing through an administrative complaint. and given the opportunity for an administrative hearing under Chapter 120 (see section entitled Chapter 120 Hearings for more details.).²⁸² Notification of suspension must include the specific requirements that must be met to correct the reasons for the suspension. Upon notification of suspension, the facility or home **may continue to operate** pending the results of the administrative hearing, but only if one is requested. However, this does not preclude the Department from seeking an emergency suspension²⁸³ or an injunction to close²⁸⁴ if the Department determines that the situation is an immediate and serious danger to the public health, safety, or welfare if children were allowed to remain in care.

Revocation

Revocation is official termination of a license to operate. The Department or local licensing agency may revoke a license or registration as the result of a violation of any provision of ss. 402.301-402.319, F.S., or the rules adopted there under.²⁸⁵ Revocation is an enforcement measure that occurs during an active license or registration year. Specific grounds for revocation of a license or registration include, but are not limited to, the following:

- 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), F.S., is required by law to result in automatic



Required Documentation

Document all violations (number of times and how frequently the same violations occurred). Be fair, reasonable, and objective in your determination of facts. It is essential that the legal basis for an administrative action be thoroughly and accurately documented.

²⁸² Section 402.310(2), F.S.

²⁸³ Section 120.60(6), F.S.

²⁸⁴ Section 402.312, F.S.

²⁸⁵ Section 402.310(1)(a)3., F.S.

revocation of the license in addition to any other remedies pursued by the Department or local licensing agency.²⁸⁶

- Revocation may be the result of an abuse/neglect investigation or as a result of long-standing, well-documented deficiencies; non-compliance with corrective actions; administrative fines; and the issuance of provisional license for failure to comply with licensing standards. To the extent that any further such actions would be futile, revocation must be considered to ensure the health, safety, and protection of children in care.

When the Department has reasonable cause to believe that grounds exist for the revocation of a license or registration, the Department will “promptly” issue an [Administrative Complaint for Revocation](#) to the provider. If the health and safety of the children in care is at risk and the children are in imminent danger, an Emergency Suspension Order will be issued. A provider issued an Administrative Complaint for Revocation may contest the department’s decision by requesting an administrative proceeding under section 120.57, Florida Statutes. This will generally result in a hearing at the Division of Administrative Hearings (DOAH). After the hearing, DOAH will issue a Recommended Order and the Department will generally have 90 days to issue a Final Order that either approves or rejects the Recommended Order.²⁸⁷

In most cases, when a revocation action is appealed, the licensee will be allowed to continue to operate under the current license until the conclusion of the appeals process. If the annual license is scheduled to be renewed during the appeals process, the licensing office will still process the renewal application (see section entitled Renewing a License During Revocation). This does not preclude the Department from seeking an injunction to close²⁸⁸ if the Department determines that the situation is an immediate and serious danger to the public health, safety, or welfare if children were allowed to remain in care. If the timeframe to request a hearing has expired and no hearing is requested the provider must cease to operate.

Injunctive Relief/Emergency Suspension Order

Emergency Suspension Order and “injunction to enjoin continued operation” (known as an “injunction to close”) are enforcement mechanisms that allow the Department to immediately protect public health, safety, and welfare.

An Emergency Suspension Order

- Authorized and required by section 120.60(6), F.S., to immediately close a licensed or registered facility or home.
- Department generally requires that ESOs be issued as formal orders from the General Counsel’s Office.
- Issued through the Department’s Regional Legal Offices and the Child Care Program Office.
- Department must also promptly issue/provide an Administrative Complaint for Revocation of the license or registration.
- Regional Legal Offices prepare and route the Emergency Suspension Order through the Department’s Agency Clerk.

²⁸⁶ Section 402.3055(2)(g), F.S.

²⁸⁷ Section 402.310(2), F.S.

²⁸⁸ Section 402.312, F.S.

- Emergency Suspension Orders are signed by the DCF Secretary or Deputy Secretary and generally require Child Care Program Office concurrence.
- A Provider may appeal an Emergency Suspension Order to the District Court of Appeal. Injunctive Relief and Inspection Order
- Is authorized pursuant to s. 402.312, F.S.
- Is issued by the Circuit Court to cease continued operation of an unlicensed facility or unlicensed/unregistered home.
- May also be requested by the Department to enforce an Emergency Suspension Order or Final Order related to noncompliance with disciplinary sanctions.
- The Department may seek an injunction to close a licensed or registered facility or home for a violation that threatens harm to any child or repeated violations of the standards provided for in ss. 402.301-402.319, F.S., however, this option should not be used as a substitute for an Emergency Suspension Order without approval from the Secretary's office, routed through Regional Legal Office and Child Care Program Office.
- The injunction may be appealed to District Court of Appeal.

The Department is authorized to seek these remedies in the following circumstances and according to the following procedures:

- **Emergency Suspension Order (license only)** If it is determined that immediate serious danger to the public health, safety, or welfare requires emergency suspension of a license, the Department may take such action by any procedure that is fair under the circumstances if:
 1. Only that action is necessary to protect the public interest under the emergency procedure is taken.
 2. The agency states in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare, and its reasons for concluding that the procedure used is fair under the circumstances. The agency decision is appealable under Chapter 120, but the suspension is immediate and the provider may not care for children unless the final order rescinds the Department's decision to suspend the license.²⁸⁹
- **Injunction to Close (license or registration)** The Department or local licensing agency is authorized to seek an injunction in the circuit court where the facility, family day care home, or large family child care home is located to enjoin continued operation under the following circumstances or to seek an emergency injunction when the court is closed for the transaction of judicial business. Grounds for seeking an injunction include the following²⁹⁰:
 1. The Department 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.


²⁸⁹ Section 120.60(6), F.S.

²⁹⁰ Section 402.312, F.S.

2. There is any violation of the standards applied under ss. 402.301-402.319, F.S., which threatens harm to any child in the child care facility, a family day care home, or large family child care home.
3. A licensee or registrant has repeatedly violated the standards provided for under ss. 402.301-402.319, F.S.
4. 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 in an Emergency Suspension Order.

Consult with Regional Legal Counsel *immediately* if it is determined that either emergency suspension or an injunction to close is the recommended action.

Posting of Citation

	<p>Additional Resources</p> <p>Sample "Complaint for Temporary and Permanent Injunction".</p>
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In addition to any of the previous remedies, if a provider is cited for non-compliance and as a result, formal disciplinary action is imposed (not including corrective action plan), the provider must post the following with their license:

- A copy of the Notice of Citation
- An explanation written in simple language of each citation cited in the disciplinary action
- A description written in simple language of the corrective action taken, if any, by the facility for each citation. Included in the description shall be the dates on which the corrective action was taken

Each citation, explanation, and description of corrective action must remain posted for one year after the citation's effective date.²⁹¹ The effective date is when the administrative action becomes the "final agency action". That would be 21 days from the licensee's receipt of the administrative complaint if no hearing is requested, or the date of the final order if a hearing is requested. A ["Notice of Citation"](#) is separate from any notification letter that preceded the administrative action.

Classification of Violations

The following classification of violations is a guideline to assist in determining the standardized severity of a violation. The classification of a violation may increase from one class to another if the violation results in injury or serious harm. Each violation must be evaluated on a case-by-case basis to determine the level of severity.

Class I Violations

A Class I violation is an incident of noncompliance with a Class I standard as described on [CF-FSP Form 5316](#), [CF-FSP form 5317](#) and [CF-FSP Form 5318](#). 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, and well-being of a child.

²⁹¹ Section 402.3125(1)(b)2., F.S.

Examples of Class I Violations:

- Commission of a serious act of child abuse or neglect on a child
- Leaving a child unattended or with insufficient supervision such that a child leaves the facility/home
- Leaving a child behind in a vehicle at the facility, on a field trip, or an activity away from the facility.
- Non-compliance with requirement for additional supervision for swimming activities
- Administering the wrong medication, the incorrect dosage, or medication without parental authorization to a child
- Firearms on the premises of a child care facility or improper storage of a firearm or weapon in a family day care home or large family child care home
- Absence of a person with certified lifeguard certificate or its equivalent during swimming activities
- Inappropriate use of, or failure to use, seat belt/child restraints
- Inappropriate child discipline
- Owner/operator failed to take appropriate action for personnel subject to background screening with disqualifying offenses from employment.²⁹²
- An unscreened individual was left alone with children in care.



Additional Resources

Refer to the [Progressive Disciplinary Sanctions Matrix](#) for details about applying progressive enforcement.

For the first and second violation of a Class I standard, the department must provide technical assistance, document on the inspection report, and 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.²⁹³

For the third and subsequent violation of a Class I standard, the department must provide technical assistance, document on the inspection report, and issue an administrative complaint to suspend, deny, or revoke the license. The department may also levy a fine not less than \$100 or more than \$500 per day for each violation in addition to any other disciplinary sanction.²⁹⁴

²⁹² Section 435.04 F.S

²⁹³ 65C-22.010(2)(d)1.a., and 65C-20.012(3)(e),1.a., F.A.C.

²⁹⁴ 65C-22.010(2)(d)1.b., and 65C-20.012(3)(e)1.b., F.A.C.

Class II Violations

A Class II violation is the second or subsequent incident of noncompliance with an individual Class II standard as described on [CF-FSP Form 5316](#), [CF-FSP form 5317](#) and [CF-FSP Form 5318](#). 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.

Examples of Class II Violations:

- Personnel interfere/prevent licensing authority from copying facility records, photographing/recording a location or activity on the premises.
- Non-compliance with staff-to-child ratios
- Lack of direct supervision (provided the violation does not pose an *immediate* threat)
- Insufficient indoor or outdoor square footage
- Over-capacity
- Violation of staff minimum age requirement
- Improper storage of toxic/hazardous materials
- Required food temperatures were not maintained
- Harmful supplies/medication not labeled or stored properly
- Fencing violation or other outdoor hazard
- Transportation log not maintained and/or incomplete
- Inoperable phones
- Not providing drinking water or providing unsafe drinking water
- Violations relating to diapering requirements
- Unsafe indoor equipment
- No infant/child CPR/First Aid staff
- Failure to submit background screening request
- No first aid kit
- Failure to post evacuation route or maintain clear exit route

For the first violation of a Class II standard, the department must provide technical assistance and document the noncompliance on the inspection report.

For the second violation of the same Class II standard, the department must provide technical assistance, document the noncompliance on the inspection report, and 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".²⁹⁵

²⁹⁵ 65C-22.010(2)(d)2.a., F.A.C and 65C-20.012(3)(e)2.a., F.A.C

For the third violation of the same Class II standard, the department must provide technical assistance, document the noncompliance on the inspection report, and issue an administrative complaint imposing a fine of \$60 per day for each violation.²⁹⁶

For the fourth violation of the same Class II standard, the department must provide technical assistance, document the noncompliance on the inspection report, and issue an administrative complaint placing the provider's license on probation status for a period not to exceed six months, and the department must also issue an administrative complaint imposing an additional fine of \$75 per day for each violation.²⁹⁷

For the fifth and subsequent violation of the same Class II standard, the department must provide technical assistance, document the noncompliance on the inspection report, issue an administrative complaint to suspend, deny, or revoke the license, and the department must also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.²⁹⁸

Class III Violations

A Class III Violation is the third or subsequent incident of noncompliance with an individual Class III standard as described on [CF-FSP Form 5316](#), [CF-FSP form 5317](#) and [CF-FSP Form 5318](#). 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.

Examples of Class III Violations:

- Incomplete first aid supplies
- Violations relating to personnel and children's records (excluding screening and infant/child CPR/First Aid training)
- Discipline and expulsion policies not available for review by licensing authority
- Electronic media time used with children younger than 2 years of age; was not for educational purposes or for physical activity for children 2 years of age and older; used with children older than 2 years of age for more than 2 hours a day.
- Contact information and emergency medical consent for children being transported was not maintained in vehicles.
- Violations of isolation area requirements
- Insufficient space between napping children
- Insufficient number of cribs or use of an inappropriate crib
- Violations relating to training requirements
- Inadequate number of toilet/basins available and/or accessible
- Insufficient, unsafe, unsanitary bedding/linens
- Fire drills not documented or completed

²⁹⁶ 65C-22.010(2)(d)2.b., F.A.C and 65C-20.012(3)(e)2.b., F.A.C.

²⁹⁷ 65C-22.010(2)(d)2.c., F.A.C and 65C-20.012(3)(e)2.c., F.A.C

²⁹⁸ 65C-22.010(2)(d)2.d., F.A.C and 65C-20.012(3)(e)2.d., F.A.C

- Window screen missing, torn screens, broken lock
- Emergency numbers not posted
- Accident/incident not documented, parent not notified
- Meals, snacks not sufficient quality or quantity or that do not meet nutritional needs
- Menus/substitutions not posted, dated, or accessible
- Improper feeding
- Insufficient seating
- Bottles not sanitary or labeled
- License not displayed/citation not posted/ room capacity not posted.
- Planned activities/field trip notice not posted
- Inadequate lighting/temperature/ventilation

For the first violation of a Class III standard, the department must provide technical assistance and document the noncompliance on the inspection report.

For the second violation of a Class III standard, the department must provide technical assistance, document the noncompliance on the inspection report.

For the third violation of the same Class III standard, the department must provide technical assistance and document the noncompliance on the inspection report, and 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”.²⁹⁹

For the fourth violation of the same Class III standard, the department must provide technical assistance and document the noncompliance on the inspection report, and issue an administrative complaint imposing a fine of \$30 per day for each violation.³⁰⁰

For the fifth violation of the same Class III standard, the department shall provide technical assistance and document the noncompliance on the inspection report, and 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.³⁰¹ However, for the fifth violation of a Children’s Health and Immunization standard, the department will NOT place the provider’s license on probation status.

For the sixth and subsequent violation of the same Class III standard, the department must provide technical assistance and document the noncompliance on the inspection report, 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.³⁰²

²⁹⁹ 65C-22.010(2)(d)3.a., F.A.C and 65C-20.012(3)(e)3.a., F.A.C

³⁰⁰ 65C-22.010(2)(d)3.b., F.A.C and 65C-20.012(3)(e)3.b., F.A.C

³⁰¹ 65C-22.010(2)(d)3.c., F.A.C. and 65C-20.012(3)(e)3.c., F.A.C

³⁰² 65C-22.010(2)(d)3.d., F.A.C. and 65C-20.012(3)(e)3.d., F.A.C.

Disciplinary Sanctions

A grace period is provided, wherein a violation of a standard that has occurred more than two years prior to a subsequent violation of the same standard will not be counted for purposes of progressive discipline. However, for the purposes of continued licensure or registration, the program's violation history will be considered. A violation that has been withdrawn by the Department or has been dismissed as the result of an administrative proceeding held pursuant to Chapter 120, F.S., contesting an administrative complaint will not be counted for purposes of progressive discipline. A violation that is only reflected in an inspection report does not relieve the Department of its burden to prove that violation for purposes of progressive discipline upon the alleged occurrence of a subsequent violation.

Criminal Penalties

Certain violations relating to the regulation of child care providers carry a criminal penalty in addition to any administrative actions imposed by the Department. Any of the following violations must be reported to the appropriate law enforcement agency, which is then responsible for making a determination regarding whether or not to bring charges against the provider.

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

- Fail (by false statement, misrepresentation, impersonation, or other fraudulent means) to disclose in any application for voluntary or paid employment or licensure in a child care facility, family day care home, or other child care program, all information and facts required and used in making a determination as to such person's qualifications to be child care personnel.
- Operate or attempt to operate a child care facility without having procured a license as required by law.
- Operate or attempt to operate a family day care home without a license or without registering with the Department, whichever is applicable.
- Operate or attempt to operate a child care facility or family day care home under a license that is suspended, revoked, or terminated.
- Misrepresent, by act or omission, a child care facility or family day care home to be duly licensed without being so licensed.
- 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 who is inquiring about placing a child in the facility, to a representative of the licensing authority, or to a representative of a law enforcement agency. This includes, but is 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 background screening requirements
 5. Whether child care personnel have the required training

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, F.S.³⁰³

Finally, if the licensing counselor becomes aware of other illegal activities occurring on the premises of a child care operation, it must be reported to local law enforcement, in addition to being investigated for licensing/registration violations.

Imposing an Administrative Fine

Determining the Amount of the Fine

When determining the amount of the fine, previous violations and actions taken by the owner or operator to correct the violation should be taken into consideration. The Department or local licensing authority is authorized by law to 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.³⁰⁴ The amount of the fine levied should begin with the minimum amount, increasing in increments for continued non-compliance. The amount of the fine will be based on the progress enforcement criteria in 65C-20 and 65C-22, F.A.C. (see [“Progressive Disciplinary Sanctions Matrix”](#).)

Levying the Fine

Corrective action is required and the facility or home must be re-inspected to determine that the corrective action has been completed (unless Regional Legal Counsel advises that there was no violation).

If the region’s decision is to proceed with levying a fine, an administrative complaint must be sent to the provider notifying them of the Department’s intent to take administrative action against their facility or home. The notification of administrative complaint must advise the owner of the proposed action against the license, the amount of the fine, the classification of the violation, the factual basis for the violation, the statute or rule violated, and the owner’s right to an administrative hearing (including the timeframes within which to request the hearing).

If a request for a hearing is not received within 21 days of receipt of the administrative complaint by the provider, and the fine has not yet been paid, the region must send a “Failure to Pay Fine” letter, along with a Notice of Citation, directing the provider to pay the fine. Providers are expected to pay fines by licensure renewal as stated in the license renewal application as follows: *“Renewal of this license is contingent upon the payment of any fines previously imposed as a sanction against this license that was not contested, or that was affirmed at an administrative hearing. If, at the time of this license renewal application, there is a pending administrative hearing resulting from a proposed fine, it shall not affect the renewal of this license.”*


³⁰³ Section 402.319, F.S.

³⁰⁴ Section 402.310(1)(a)1., F.S.

If the provider refuses to pay the fine and the Department has reasonable cause to believe that grounds exist for the non-renewal of a license or registration, the licensee or registrant must be notified in writing through an administrative complaint or a notice of intent to deny a pending renewal application, and given the opportunity for an administrative hearing under Chapter 120. And this does not preclude the Department from seeking an emergency suspension or an injunction to close if the Department determines that the situation is an immediate and serious danger to the public health, safety, or welfare if children were allowed to remain in care.

If a request for a hearing *is* received within 21 days, the licensing supervisor, the Regional Safety Program Manager, or Regional Legal Counsel must forward the request with all pertinent documentation, correspondence, and the administrative complaint, to the Agency Clerk for processing (see the section on Chapter 120 Hearings for more details). The region may send a letter to the owner/operator acknowledging that all information has been forwarded to Office of the General Counsel. The Department of Administrative Hearings findings to reject or support the Department's proposed action will be documented recommended order to the Department.

The fine must be paid by the owner or operator of the child care facility or home within the time frame specified in the final order should the situation escalate to the point that a final order must be issued. The renewal of a license is contingent upon the payment of any outstanding fines.

	<p>Additional Resources</p> <p>See sample "Failure to Pay Fine" letter.</p>
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Fine Collection/Fine Processing Procedures

These procedures are very similar to those involved with collecting the licensure fee. Unless the Regional Fiscal Office has established alternative procedures for the collection of fines, the following steps should be followed:

1. Whether the administrative fine is mailed or delivered by hand to the licensing office, it must be recorded in the Department's Financial Services Cash Receipts application. The licensing counselor must not accept payment in the field.
2. A receipt must be provided for every administrative fine collected. Upon payment of the administrative fine, the licensing counselor or supervisor will send a letter advising the provider that the Department has received payment of the fine and the date it was received. This letter may also serve as the notification to the owner/operator of the requirement to post a "Notice of Citation." The "Notice of Citation" should be enclosed with this correspondence.
3. Once the fine payment is recorded in the Department's Financial Services Cash Receipts application log, it must be sent to the Fiscal Office with a copy of the Cash Receipts application log for deposit into the Operations and Maintenance Trust Fund. Be sure to copy the check for the file.
4. If the administrative fine is not collected, Regional Legal Counsel needs to be advised for further action.

Renewing a License During Revocation

If the annual license is scheduled to be renewed during the appeals process, the licensing unit will still process the renewal application in the following manner:

- An [alternate renewal letter](#) will be sent to the licensee.
- Once all materials in support of the renewal application have been received, including the application fee, and compliance with the 45-day requirement (submission of the application for renewal) have been documented, the renewal will be “continued” until the conclusion of the appeals process.
- The licensing unit will send a letter notifying the licensee of the status of the renewal application.
- While the renewal application and fee will be held until the conclusion of the appeals process, the licensing counselor will continue to conduct on-site **renewal**, routine inspections, **re-inspections**, and **complaint investigations** during the administrative process.
- If the Department is taking an administrative action of revocation against a provider and the provider is appealing the action, licensing staff must ensure the health and safety of the children in care during the time that the action is pending. At a minimum, licensing staff must conduct onsite visits at least monthly to review the issues that resulted in the revocation action. However, to ensure the health and safety of children in care, visits may be required more frequently. The frequency of visits is a determination that must be made at the regional level and should involve the Regional Safety Program Manager, Licensing Supervisor, Licensing Counselor and Legal. Documentation of the onsite visits will be completed in a re-inspection report. Remember, if a provider is pending revocation, the status in the system is changed accordingly and the provider will no longer be displayed on the public website. If during the administrative process, licensing staff and legal believe there is a risk to the health and safety of the children in care, then an Emergency Order of Suspension becomes an option.

At the conclusion of the administrative process, the Department will take appropriate action with regard to the license, based on the Final Order, as follows:

- If the Final Order supports the licensee, the licensing unit will issue an annual license with an effective date retroactive to the date on which the previous license would have been renewed.
- If the Final Order supports the Department’s revocation action, the licensee will be notified that their pending renewal application has been denied based upon the Final Order and under these circumstances, the licensee will be required to discontinue operation.
- If the licensee requests an appeal hearing based upon the denial, the hearing request should be referred to the Agency Clerk, along with a memo referencing the Final Order revoking the license, and including the case number on that Final Order.



Recommended practice...

If a facility or home is being closed, contact the local Information and Referral agency to assist parents in making other child care arrangements.

Suppression of Illegal Child Care Arrangements

As previously stated in the section entitled “**Criminal Penalties**,” it is a misdemeanor of the first degree for any person to willfully, knowingly, or intentionally operate a child care facility or family day care home without having procured a license or registration.³⁰⁵ In an effort to standardize the way in which regions respond to unlicensed/illegal facilities and homes, guidance was obtained from the Office of General Counsel. When the licensing unit is made aware of a possible illegal operation, the following steps must be taken:

1. Obtain as much of the following information as possible from the person making the report:
 - Name of the facility/home
 - Location of facility/home
 - Name of the operator
 - Specifics of the program
 - Information regarding the number and age of the children
2. Search the Childcare Administration, Regulation & Enforcement System (CARES) database (both open and closed facilities/homes, recognized religious exempt facilities, and licensed exempt facilities) to avoid an erroneous investigation. It may be that the provider *is* licensed, registered, or exempted and the person reporting the potential illegal operation is unaware of the provider’s regulatory status.
3. Determine the extent of past contacts between licensing and the illegal operation. Has the illegal child care provider been cited for an illegal operation in the past? Is the illegal child care provider a past licensed/registered child care provider who, due to their previous licensed/registered status, is fully aware of the regulatory requirements? Does the CARES reflect that the child care operation has been closed by the licensing unit? Is the provider potentially operating past the closing date?
4. If it is determined that the provider is not currently licensed, registered, or a recognized religious exempt provider, or a licensed exempt provider, an immediate on-site investigation of the alleged unlicensed facility or home must be made to determine if the provider is subject to regulation.
5. If, upon on-site investigation, it is determined that the facility/home is operating illegally, the licensing counselor, after consultation with the licensing supervisor, must provide written notification of findings to the [facility](#) or [home](#).
6. If it is determined that the safety of the children is not being compromised, the facility/home will be given five working days to notify parents that the facility/home will be closing. The provider must sign the notification letter, acknowledging that they have been notified of the illegal operation, and have been given five working days to cease operation. Inform providers that



Required Documentation

To obtain an injunction to close an illegal operation, the Department must show only the following:

- *The facility or home is operational;*
- It is subject to licensure or registration; **and**
- No license or registration exists.

³⁰⁵ Section 402.319, F.S.

wish to pursue licensing/registration that the Department will work with them to accomplish the licensing/registration in a timely manner; however, they will still not be able to provide child care until they are licensed/registered.

7. During the five working days, the licensing counselor shall make daily on-site visits to ensure that the children are safe and that the facility/home will close as scheduled.
8. If after five working days, the facility/home does not cease operation, the Department will proceed with seeking an injunction to cease operation of the facility/home.
9. If upon notification, the licensed or registered operation does not take immediate action to terminate or comply with the standards, the injunctive process must be initiated. Contact Regional Legal Counsel immediately, who will then contact the State Attorney's office.
10. Once the injunction is served/and or the facility/home stops operating after the five days, licensing staff will conduct monthly follow up onsite visits for a period of 90 days to verify that the facility/home is not operating. The onsite visits should be documented in file and can be any of the following types of contact: entering the home to look around; speaking in person with the provider; and/or observing the home during normal drop-off and/or pick-up times.

If at any time the situation endangers the health, safety, and wellbeing of the children, or it is determined that the provider is **knowingly** operating without a license or registration (having previously been cited for the same or having previously been licensed or registered and thus aware of the requirement), the facility/home will be closed immediately.

Voluntary Relinquished License or Registration

When a licensed child care facility, family day care home, large family child care home or registered family day care home chooses to voluntarily relinquish a license or registration in lieu of a negative consequence, denial of a license, disqualifying offense(s), or an administration sanction from the Department, a follow up onsite visit to ensure the program is no longer operational is needed. First licensing staff must retrieve the license or registration letter either by mail or in person from the facility or home. And, for a period of 90 days following the relinquishing of the license or registration, licensing staff are to conduct periodic monthly visits to verify that the facility or home is still no longer in operation. The onsite visits should be documented in the file and can be any of the following types of contact: entering the facility/home to look around; speaking in person with the provider; and/or observing the facility/home during normal drop-off and/or pick-up times.

If it is determined the facility or home is still operating, the child care licensing staff in conjunction with their supervisor and Region Safety Program Manager shall notify local law enforcement to report the violation of s.402.319, F.S. and work with circuit legal counsel to proceed with seeking an injunction to cease operation of the facility/home.

Stipulations/Settlements

Remember, the primary goal of any enforcement action is compliance. In some cases, rather than pursuing the enforcement action to the full extent allowable by law, it may be more prudent to consider settlement agreements or stipulations. This might include reduction of the imposed fine in exchange for some specific corrective action relating to the violation (i.e. special training for staff, hiring a consultant, renovations to improve the physical environment). Sometimes being creative in

working out a satisfactory solution can help the provider understand that enforcement action can be constructive. Any settlement agreement must be in writing and developed through consultation with Regional Legal Counsel.

Chapter 120, Administrative Hearings

Providers may choose to exercise their right to an administrative hearing. If the facts outlined in the administrative complaint or letter of denial, revocation, or suspension contain facts that the applicant/licensee disputes, then a hearing will be held in front of an administrative law judge from the Division of Administrative Hearings. If requested within the required timeframe, the request for a hearing must be submitted by the Department's Agency Clerk (General Counsel's Office) to the Division of Administrative Hearings. Once an administrative law judge has been assigned to the case, the Division of Administrative Hearings will contact the parties involved to arrange a hearing date that is convenient to all parties. The hearing will normally be scheduled within 90 days from the request for a hearing. Once the hearing date is set, all parties are notified.

The hearing is generally held in the county where the applicant or licensee resides. Prior to the hearing, the licensing counselor/supervisor will need to work closely with the Department's Legal Counsel to prepare for the presentation of the case. This may include identifying witnesses and gathering all the evidence the attorney may feel is necessary for the hearing. In most cases, the licensing counselor/supervisor will be required to testify at the hearings. These hearings are conducted similar to actual court hearings - each side will have the opportunity to present their evidence and cross-examine witnesses. There will be a court reporter present to record the testimony.

After the hearing, each party will be given 10 days to submit a summary of the facts they believe they proved at the hearing to the administrative law judge. The administrative law judge then has 30 days in which to render a "Recommended Order" of his or her findings to the Department. The Department's Agency Clerk receives the recommended order and issues a Final Order based on the findings of the administrative law judge. The Final Order determines the actual outcome or resolution of the action and all parties must abide by this decision (unless the applicant or provider seeks and wins an appeal in the Court of Appeals).

All copies of Final Orders should be sent to the Child Care Regulation Program Office in Tallahassee for information and distribution, as applicable.

Chapter 13: Food and Nutrition

Proper nutrition for children is essential for their growth and development. While licensed child care programs in Florida *are not required to provide food service* to children in care, a facility or licensed home that chooses to provide meals and/or snacks must provide nutritious food in accordance with United States Department of Agriculture (USDA) guidelines found at:

<https://www.usda.gov/topics/food-and-nutrition> .

If a child care program chooses not to supply meals and snacks, arrangements must be made with the custodial parent or legal guardian to do so.³⁰⁶ If a parent doesn't send food with a child, the facility is still responsible for ensuring that the child has the proper amount of nutritional food during the day. Meeting the nutritional needs of a child in care *is the child care program's—not the parent's—responsibility* during the time the child is at the facility or home.

Unlike a facility, if a child care home chooses not to serve food, there are no standards for assuring that the parent sends nutritious food.

The USDA MyPlate

Child care programs that serve food must adhere to guidelines set by the USDA <https://www.fns.usda.gov/tn/myplate> and must be of a quality and quantity that will meet the nutritional needs of children.³⁰⁷ The USDA studies and publishes information regarding nutrition and recommends the types and amounts of foods that should be eaten every day to maintain good health. Nutritious snacks and meals for children must be planned using guidelines established by the USDA as demonstrated in the USDA's MyPlate at <https://www.fns.usda.gov/tn/myplate-posters>. MyPlate divides nutritious food into five food groups: Dairy, Protein, Vegetables, Fruits, and Grains.

The USDA recommends that breakfast consist of at least three of the food groups, lunch and dinner (if provided) consist of at least four food groups, and snacks consist of at least two food groups.

- The Dairy Group includes milk, yogurt, and cheese. Children need to eat food from the Dairy Group every day. The USDA recommends that children 2 to 3 years of age consume two cups from the Dairy Group a day and 4 to 8 year olds should consume 2.5 cups from the Dairy Group daily. Choose fat-free or low-fat milk for children age two and older.
- The Protein Foods Group includes chicken, turkey, fish, nuts, peas, and beans. This group also includes protein sources such as eggs, dry beans and peanut butter, as well as beef and pork. These foods are good sources of protein, iron, and zinc. At lunch or supper, no more than 50%

³⁰⁶ 65C-22.001(6), F.A.C. and Section 3.9.3, F. Facility Hand book

³⁰⁷ 65C-22.001(6), F.A.C., Section 3.9.3 Facility Hand book, 65C-20.008(6), F.A.C., and Section 7.14 FDCH/LFCCH Handbook

of the meat/meat alternative requirement can be met with nuts or seeds. Nuts or seeds must be combined with another meat/meat alternate to fulfill the requirement.

- The Vegetables Group includes foods such as carrots, broccoli, and spinach. A child should eat a wide variety of these foods for vitamins, minerals, and dietary fiber. Vegetables may be fresh, frozen or canned. If canned is used, look for “reduced sodium” or “no salt added”.
- The Fruit Group includes apples, pears and oranges which provide vitamins, minerals and dietary fiber. This group also includes full-strength natural fruit juice. In order to meet the food group requirement, fruit juice can only be served once per day. Fruit can be fresh, frozen or canned. If canned is used, look for fruit “packed in its own juice” or “packed in water”.
- The Grains Group includes dry cereal, bread, oatmeal and farina. Grain products are important for vitamins, minerals, complex carbohydrates, and dietary fiber. At least half of all grains should be whole grains.

Breastmilk/Infant Formula: Please note that whether feeding formula or breast milk, providers must be sure to:

- Refrigerate bottles and handle them in a sanitary manner at all times.³⁰⁸
- Breastmilk and formula must be handled in a sanitary manner at all times and according to manufacturer’s instructions and instructions by parents. If instructions are not readily available, child care personnel must obtain information from the World Health Organization’s Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in 65C-22.001(7)(v), F.A.C.
- The provider must make sure all formula and food brought from home are labeled with the child’s first and last name. The provider is responsible for the label; therefore, if the label is not completed by the parent, the facility staff must put the label on when the formula or food is received.
- Breastmilk or infant formula provided for a specific infant by a parent or guardian should not be fed to other children. In the event that the wrong breastmilk or formula is given to an infant in care, the provider must immediately inform the child’s parent or legal guardian of the incident, as well as the parent or legal guardian of the infant that the formula or breastmilk was intended for. These incidents must be documented as an accident/incident report.
- Prepared bottles must be placed in the refrigerator immediately and used within 48 hours.
- Previously opened baby food jars must not be accepted at the center. If food is fed directly from the jar by the caregiver, the jar can be used for only one feeding and the remainder discarded.

Bottle Warming practices that must be followed:

- For optimum digestion, breastmilk and infant formula should be served at body temperature.
- Bottle warming devices and crock pots, including cords, must be kept inaccessible to children at all times.

³⁰⁸ 65C-22.001(6), F.A.C., Section 3.9.6 Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.14, H FDCH/LFCCH Handbook

- Devices must be maintained on the lowest possible temperature setting and must be secured in such a way as to prevent them from tipping over, splashing, or spilling.
- Any bottle warming device that has a water reservoir must be emptied, washed, and refilled each day.
- Bottled breast milk, infant bottles, and formula must not be heated in the microwave.
- Heated bottles and foods must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.
- A bottle can only be warmed once. A warmed bottle cannot be returned to the refrigerator or re-warmed.
- All breastmilk and infant formula left in bottles after feedings must be discarded within one hour after serving an infant. Unused breastmilk may be returned to the parent in the bottle or container provided.
- Shake the bottle gently to distribute the temperature evenly and avoid injury to children.³⁰⁹
- When warming bottles, ensure the warming device and cord is out of reach of children.

If a child cannot hold a bottle, a staff member or volunteer must hold the bottle during feeding. Mechanical devices must never be used unless prescribed by a doctor.³¹⁰ Never, ever prop a bottle!



Additional Resources

More information on feeding young children can be found in the video, "Nutrition for Infants and Children," which may be obtained by contacting one of the Department's local training coordinating agencies.

More information about the USDA's MyPlate can be found at: <http://www.choosemyplate.gov>.

Operators may not reuse single service paper or plastic plates, utensils, and cups. Plates, utensils, cups, bottles, sippy cups provided by the child care program that aren't disposable must be washed, rinsed, and sanitized between uses.³¹¹

Child Care Food Program

As you talk with providers about food and nutrition, they may make reference to the Child Care Food Program. In order to provide advice and technical assistance (especially to new providers), licensing counselors need to know the basics of this program. The Child Care Food Program (CCFP) is federally funded and regulated by Food and Nutrition Service (FNS), part of the USDA. In Florida, the Department of Health, Food and Nutrition Management Office administer CCFP for Family Child Care Homes. Child care providers participating in CCFP are reimbursed for meals and snacks. They also have access to nutritional resources, training, and technical assistance. In order to qualify, meals and snacks must meet the food requirements set by the USDA.

To participate in the food program, a facility must be licensed (or qualify as religious exempt from licensing) and family day care homes must be licensed (registered family day care homes are not eligible to participate). In addition, they must have a local food program sponsor.

³⁰⁹ 65C-22.001(6), F.A.C., Section 3.9.6 Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.14 FDCH/LFCCH Handbook

³¹⁰ 65C-22.001(6), F.A.C., Section 2.4.4 C. Facility Handbook, 65C-20.008(6), F.A.C., and Section 6, F. FDCH/LFCCH Handbook

³¹¹ 65C-22.001(6), F.A.C., Section 1.2 Facility Handbook, Section 3.9.4 Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.16 E. FDCH/LFCCH Handbook

Menu Evaluation

If a facility chooses to supply food, they must provide meals and snacks that meet the nutritional needs of children using the guidelines found in USDA's MyPlate.³¹²

The types and amounts of foods served vary according to a child's age. The Child Care Food Program (CCFP) Meal Pattern for Children gives the guidelines to use when evaluating a menu or if the inspection covers a normal meal or snack time, evaluating the food actually being served. In addition to providing the serving size suggested, there should be sufficient food available for a second helping if a child requests it.



Additional Resources

More Information about the food program and sponsors can be found on the Department of Health (DOH) website at <http://www.floridahealth.gov/programs-and-services/childrens-health/child-care-food-program/index.html>.

Remember, children should eat from at least three different food groups at breakfast, four different food groups at lunch and dinner, and two different food groups for snacks.³¹³ Operators who participate in the USDA Food Program must provide nutritious meals and snacks in accordance with the Department of Health and the USDA requirements.³¹⁴

Meals should be evaluated on three criteria:

- **Meal Pattern:** Does the meal contain all the food recommended in the amounts called for by the USDA? Is full-strength, natural fruit juice served?
- **Nutritional Adequacy:** Are a variety of foods being served? Are one or two items being served too frequently? Are any foods high in fat or sugar and low in nutritional value? Are starchy items (potatoes, dried beans, rice, and noodles) served too often?
- **Adaptation for Children:** Are the foods well-liked by children? Are the foods served appropriate for the age of the child? Are they complying with any special diet restrictions children may have?

Menus: Meal and snack menus must be planned, written and dated, and posted at the beginning of each week in the food service area and in a conspicuous place accessible to parents or legal guardian. Any substitutions must be noted on the menu.³¹⁵ Family Day Care Homes must maintain daily meal and snack menus for a minimum of six months for licensing purposes.³¹⁶ Child care facilities must maintain daily meal and snack menus for a minimum of four months for licensing

³¹² 65C-22.001(6), F.A.C., Section 3.9.3 Facility Hand book, 65C-20.008(6), F.A.C., and Section 7.14 FDCH/LFCCH Handbook

³¹³ 65C-22.001(6), F.A.C., Section 3.9.3 Facility Hand book, 65C-20.008(6), F.A.C., and Section 7.14 FDCH/LFCCH Handbook

³¹⁴ 65C-22.001(6), F.A.C., Section 3.9.3 Facility Hand book, 65C-20.008(6), F.A.C., and Section 7.14 FDCH/LFCCH Handbook

³¹⁵ 65C-22.001(6), F.A.C. and Section 3.9.3, H Facility Hand book

³¹⁶ 65C-20.008(6), F.A.C., and Section 7.14 FDCH/LFCCH Handbook

purposes.³¹⁷ Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements.

Special Diets: If a child requires a special diet, a copy of the physician's order, a copy of the diet, and a sample meal plan must be maintained in the child's file for as long as the child is in care, shared with staff, posted in a conspicuous location, and followed. Similar steps must be taken to document, post, inform staff, and follow food allergies restrictions.



Additional Resources

Sample meal and snack menus, nutrition education campaigns for children, and related information can be found at <http://www.doh.state.fl.us/family/ccfp/info/nutritionres.htm>.

Caterers

If a facility chooses to provide or make available food to children in care from an outside source, such as a caterer, or a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards, or as the result of a learning activity provided by a child care program, such as a garden, it is the responsibility of the provider to ensure all food intended for consumption by a child in care is free from spoilage and contamination and safe for human consumption. If a facility chooses to offer catered food to the children, the following steps must be taken:

A log must be maintained and retained for a minimum of four months for all prepared meals being transported into the facility. The log must include the following elements:

- Delivery Date
- Time of Arrival
- Quantity and types of food
- Verification by the recipient of adequate temperatures of the food
- Name and signature of the recipient

The facility shall not accept food that is not at the appropriate holding temperature. If food delivered from an outside source does not meet licensing standards, the facility must have an alternate plan for meals for the children in care.

Parents and legal guardians must be advised in advance of each food-related activity, including special occasions and learning activities that include food consumption. Written parental permission may be obtained in the form of a general or specific permission slip. Documentation of parent permission for food activities must be maintained for a minimum of four months from the date of each activity.

³¹⁷ 65C-22.001(6), F.A.C. Section 7, B. 13. Facility Handbook

Food Preparation Area

A food preparation area is a designated room, such as a kitchen, or designated space in a facility not used in normal day-to-day operations for indoor play, classroom, work or nap spaces, and not included when calculating usable indoor floor space. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of “preparation of food.” Specific requirements for the food preparation area include:

- Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors, such as a fan, vent, or open window with a screen.
- Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food-contact surfaces are surfaces of equipment, countertops, utensils, etc., that food comes into contact with during food preparation.
- Food equipment maintained and stored in a sanitary manner and out of the reach of children.
- Shielded lighting.
- Nonabsorbent and easily-cleaned walls, flooring, and floor covering.
- Easily cleanable and replaceable ceiling in the event of water and other damage, mildew or mold.
- A separate handwashing station with hot running water, a minimum of 100 degrees Fahrenheit. The handwashing station must include a sink with running water and drainage, soap, trash can, and disposable towels or hand-drying machines that are properly installed and maintained. A handwashing sink shall not be used for any purpose other than handwashing. Handwashing stations must include posted signs visible to employees and children, demonstrating proper handwashing technique. Portable sinks may not be used for dishwashing or food preparation. If a portable sink is used for handwashing in the food preparation area, hot water must be provided.
- Leak-proof, non-absorbent containers, covered with a tight-fitting lid, for all food waste stored inside the facility. The container must be emptied, cleaned, and sanitized or disinfected daily.
- A food preparation area shall be clean and free of dust, dirt, food particles, and grease deposits.

Employees, volunteers, and substitutes, while working in the food preparation area, must wear proper head covering, such as a hair net or hat. To prevent contact with ready-to-eat foods, staff must use clean disposable gloves, utensils, or similar items in the food preparation area.

For safety, children must not be present in the food preparation area when meals and snacks are prepared unless being supervised or participating in a cooking activity.

Food Storage

Proper storage of food is essential to prevent food contamination, as well as, insect and rodent infestation. Correct handling and storage of all food is a key component in preventing food-

borne illnesses. To prevent bacteria growth, cold food must be kept at or below 41 degrees Fahrenheit and hot foods at or above 135 degrees Fahrenheit.

Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if the site of storage is a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards to include:

- Food containers, such as cans, plastic containers, boxes and bags must be stored above the floor on clean surfaces protected from splash and other contamination.
- Stored food must be consumed or discarded on or before the expiration dates listed by the manufacturer.
- Poisonous/toxic chemicals or cleaning products must be stored separately from food. Products must not be stored on shelves above food preparation areas and/or food products intended for human consumption, unless placed in bins that are impermeable.
- Opened packages of perishable or leftover food items must be properly covered or sealed in containers or bags, labeled with the date, and properly stored and discarded within seven calendar days.
- Opened packages of dried goods must be properly covered/sealed, properly stored, and discarded according to the manufacturer's recommended date or if the quality of the food has been compromised.

Food Storage and Refrigerators/Freezers

An accurate alcohol thermometer designed to measure cold storage temperature must be placed inside each refrigeration and freezer unit. Thermometers in refrigerators must show a reading of 41 degrees Fahrenheit or below, and thermometers in freezers must show a reading of 0 degrees Fahrenheit or below. The thermometer must be located in the center of the unit and be readily accessible. Thermometer temperature readings higher than specified above require further temperature testing of food samples stored in the unit using a probe type thermometer; and adjustments to the unit setting to reach and maintain the required readings must be made.

Food may be frozen prior to the expiration date, but when thawed, it must be labeled with the date it was removed from the freezer and discarded within seven calendar days.

Frozen food must be labeled by date and type noted below and stored according to the following table:

Food Item	Months
Bacon and sausage	1 to 2 months
Casseroles	2 to 3 months
Frozen dinner and entrees	3 to 4 months
Ham, hot dogs, lunch meats	1 to 2 months
Meat, uncooked	4 to 12 months
Meat, uncooked ground	3 to 4 months

Meat, cooked	2 to 3 months
Poultry, cooked	4 months
Soups and stews	2 to 3 months

Food Safety

Handling of food in a safe and careful manner prevents the spread of bacteria, viruses and fungi. Outbreaks of foodborne illnesses have occurred in many settings, including child care facilities. Children are at a higher risk for contracting food-borne illness, as their bodies are in the process of growing, developing, and building adequate immune systems to fight illness. While some food-borne illnesses originate at farms or food manufacturing plants, the majority are the result of poor food handling practices.

Choking Hazards

Foods that are associated with young children's choking incidents must not be served to children under 4 years of age; such as, but not limited to, whole/round hot dogs, popcorn, chips, pretzel nuggets, whole grapes, nuts, cheese cubes and any food that is of similar shape and size of the trachea/ windpipe. Food for infants must be cut into pieces $\frac{1}{4}$ inch or smaller, food for toddlers must be cut into pieces $\frac{1}{2}$ inch or smaller to prevent choking.

Proper food source

If a facility chooses to provide food to children directly or by contact with an outside source such as a caterer, the food must be free from spoilage and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety, including:

- Meat, poultry, fish, dairy products, and processed foods must have been inspected under the United States Department of Agriculture requirements.
- No raw milk or unpasteurized juice may be served without the written consent of the parent or legal guardian.
- No home-canned food may be served.
- No homegrown eggs may be served.
- Recalled food items must be discarded and removed from the facility.
- All raw fruits and vegetables must be washed thoroughly before being served or cooked.
- To prevent food from becoming potentially hazardous, hot foods must be maintained at a temperature of 135 degrees Fahrenheit or above, and cold foods must be maintained at temperature of 41 degrees Fahrenheit.
- Foods must be thoroughly cooked and/or reheated according to the following table:

Food	Minimum Internal Temperature
Fruits, Vegetables, Grains, and Legumes	135° F
Roasts (Fresh Beef, Pork and Lamb)	145° F (with a 3 minute rest time)
Fish	145° F
Eggs	Cook until yolk and white are firm
Egg Dishes	160° F
Ground Meats (Beef, Pork and Lamb)	160° F
Poultry (whole, parts or ground)	165° F
Leftovers	165° F
Foods cooked in a microwave	165° F
Sauces, Gravy, Soups, Casseroles	165° F

Food Handling/Service

- Bottles and sippy cups provided by the facility must be washed, rinsed, and sanitized between each use and do not have to be labeled.
- Bottles and sippy cups brought from home shall be individually labeled with the child's first and last name and shall be returned to the custodial parent or legal guardian daily.
- Milk and food must not sit out for longer than 15 minutes prior to the beginning of the meal to avoid contamination and spoilage. Food must not be served to children at more than 110 degrees Fahrenheit. Allow time for food to cool before serving to children that does not exceed 15 minutes.
- Employees, volunteers, and substitutes, while distributing snacks and serving food, must use disposable gloves, utensils, or similar items to prevent skin contact with food
- Food provided by parents must be properly stored and handled in a sanitary manner at all times to prevent contamination or spoilage. If food is supposed to be kept cold, the food must be stored in a refrigerator until eaten, or parents must include ice packs to keep food cold.

Dishwashing and Sanitation

For facilities that prepare food, non-disposable food equipment, tableware, and utensils utilized for food preparation must be properly cleaned by pre-rinsing or scraping, washing, rinsing, sanitizing, and air drying. If the child care facility lacks adequate dishwashing and sanitation described in this section for dishes, equipment and utensils, only disposable single-use items may be used. All single service items must be discarded after each use. Food equipment,

tableware and utensils used to prepare food must be washed and sanitized on-site except when a caterer is used and the caterer is responsible for dishwashing as evidenced by a written agreement. Dishwashing and sanitization must be accomplished by one of the following:

Dishwasher

If using a dishwasher with a sanitizing cycle:

- The dishwasher must use heat or chemical injection for sanitation.
- If chemical sanitization is used, the wash water temperature must be set at a minimum of 120 degrees Fahrenheit, and the rinse water must be maintained at 75 degrees Fahrenheit.
- Automatic sanitizing dispenser must be properly installed and maintained.
- A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during one full cycle per day.
- If hot water is used for sanitization, the dishwasher must achieve a temperature of 160 degrees Fahrenheit on the surface of the equipment/dishes/utensils being washed.
- The facility must have a means for measuring the required temperature either by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine.

Three compartment sinks

If using an installed three-compartment sink or an installed two-compartment sink with a non-stationary or portable compartment receptacle:

- Installed compartment sinks may be used to wash produce and to fill cooking pots and pans with water when not in use for dishwashing.
- Sinks must be sanitized before and after each use.
- The first compartment must be used for washing; the second compartment must be used for rinsing; and the third compartment must be used for sanitizing.
- If only an installed two-compartment sink is available, the second compartment must be used for rinsing and a non-stationary or portable compartment receptacle must be available and used to sanitize.

Sanitation

If using chemical sanitation:

- If chemical sanitization is used, an exposure time of at least seven seconds is required for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 75 degrees Fahrenheit.
- If other sanitizers are used, the manufacturer instructions must be strictly followed.

- A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.

If using hot water sanitation:

- If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half minute in hot water at a temperature of 170 degrees Fahrenheit or above.

Food Requirements for Homes

During feeding times, children must be individually fed and provided their own tableware. Children must be supervised appropriately for their ages and developmental abilities, to monitor the size of food and that children are eating accordingly.

Food Preparation/Storage

- Proper storage of food is essential to prevent food contamination, as well as, insect and rodent infestation. Correct handling and storage of all food is a key component in preventing food-borne illnesses. To prevent bacteria growth, cold food must be kept at or below 41 degrees Fahrenheit and hot foods at or above 135 degrees Fahrenheit.
- Poisonous/toxic chemicals or cleaning products must be stored separately from food. Products must not be stored on shelves above food preparation areas and/or food products intended for human consumption, unless placed in bins that are impermeable.
- Food containers, such as cans, plastic containers, boxes and bags must be stored above the floor on clean surfaces protected from splash and other contamination.
- Opened packages of dried goods and perishable or leftover food items must be properly covered/sealed in containers or bags and stored appropriately to prevent contamination.
- Refrigerators/freezers must have accurate alcohol thermometer designed to measure cold storage temperature must be placed inside each refrigeration and freezer unit. Thermometers in refrigerators must show a reading of 41 degrees Fahrenheit or below, and thermometers in freezers must show a reading of 0 degrees Fahrenheit or below. The thermometer must be located in the center of the unit and be readily accessible. Thermometer temperature readings higher than specified above require further temperature testing of food samples stored in the unit using a probe type thermometer; and adjustments to the unit setting to reach and maintain the required readings must be made.

- A food preparation area shall be clean and free of dust, dirt, food particles, and grease deposits.
- Food provided by parents must be properly stored and handled in a sanitary manner at all times to prevent contamination or spoilage. If food is supposed to be kept cold, the food must be stored in a refrigerator until eaten, or parents must include ice packs to keep food cold.

Food and Nutrition

Handling of food in a safe and careful manner prevents the spread of bacteria, viruses and fungi. Outbreaks of foodborne illnesses have occurred in many settings, including child care facilities. Children are at a higher risk for contracting food-borne illness, as their bodies are in the process of growing, developing, and building adequate immune systems to fight illness. While some food-borne illnesses originate at farms or food manufacturing plants, the majority are the result of poor food handling practices.

- If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. Weekly meal and snack menus shall be planned and written, and must be available for review by licensing authority. Meals and snacks must contain, at a minimum, the meal and snack patterns shown for infants and children in the Child Care Food Program (CCFP) guidelines, incorporated by reference in 65C-22.001(8)(r) and (s), F.A.C., and may be found at <http://www.floridahealth.gov/programs-and-services/childrens-health/child-care-food-program/nutrition/documents/meal-pattern-for-children-9-16.pdf>.
- 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 USDA MyPlate is to be used to determine which food groups to serve at each meal or snack serving size and age appropriateness of the selected foods for children. Copies of the USDA MyPlate dieting guidelines, incorporated by reference in 65C-22.001(8)(t), F.A.C., may be obtained from the USDA website at <http://www.choosemyplate.gov>.
- 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 for as long as the child is in care. If the custodial parent or legal guardian notifies the family day care home of any known food allergies, written documentation must be maintained in the child's file.
- Daily meal and snack menus shall be maintained for a minimum of six months for licensing purposes. Operators who participate in the USDA Food Program shall provide nutritious meals and snacks and must keep menus in accordance with the Department of Health and the USDA requirements.
- Clean, sanitary drinking water shall be readily accessible in indoor and outdoor areas, throughout the day for all children. On hot days, bottle fed infants may be given additional breastmilk or formula mixed with water provided by their parent/ legal guardian. Infants should not be given plain water in the first six months of life unless directed to by the child's pediatrician.

- Foods that are associated with young children's choking incidents must not be served to children under four years of age; such as but not limited to, whole/round hot dogs, popcorn, chips, pretzel nuggets, whole grapes, nuts, cheese cubes and any food that is of similar shape and size of the trachea. Food for infants must be cut into pieces $\frac{1}{4}$ inch or smaller, food for toddlers must be cut into pieces $\frac{1}{2}$ inch or smaller to prevent choking.
- Due to the extreme risk of choking, solid foods, including cereal, may not be given in bottles or with infant feeders to children with normal feeding habits unless authorized by a physician. Solid foods may not be fed to an infant younger than 4 months of age unless directed by a physician. Solid foods must be of a safe consistency and must be developmentally appropriate for the age and developmental ability of the infant.
- Breastmilk and formula must always be handled in a sanitary manner and according to manufacturer's instructions and instructions by parents. Prepared bottles must be placed in the refrigerator immediately and used within 48 hours. If instructions are not readily available, child care personnel must obtain information from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in 65C-22.001(7)(v), F.A.C.
- Bottled breast milk, infant bottles, and formula must not be heated in the microwave. Heated bottles and foods must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children. A bottle can only be warmed once. A warmed bottle cannot be returned to the refrigerator or re-warmed. All breastmilk and infant formula left in bottles after feedings must be discarded within one hour after serving an infant. Unused breastmilk may be returned to the parent in the bottle or container.
- Breastmilk or infant formula provided for a specific infant by a parent or guardian must not be fed to other children. In the event that the wrong breastmilk or formula is given to an infant in care, the provider must immediately inform the child's parent or legal guardian of the incident, as well as the parent or legal guardian of the infant that the formula or breastmilk was intended for. These incidents must be documented as an accident/incident.
- Previously opened baby food jars must not be accepted. If food is fed directly from the jar by the caregiver, the jar can be used for only one feeding and the remainder discarded.
- Providers should develop and follow procedures for the preparation and storage of expressed breastmilk that ensures the health and safety of all infants, as outlined by the Academy of Breastfeeding Medicine Protocol, and prohibits the use of infant formula for a breastfed infant without parental consent, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in 65C-22.001(7)(v), F.A.C.

Food Allergies

Each child's food allergies shall be posted prominently in the kitchen or wherever food is served with permission of the parent/guardian, and shared with substitute or volunteer working in the home. Each child with a food allergy should have a written care plan that includes:

- Instructions regarding the food(s) to which the child is allergic and steps to be taken to avoid that food;
- A detailed treatment plan to be implemented in the event of an allergic reaction, including the names, doses, and methods of prompt administration of any medications.
- Specific symptoms that would indicate the need to administer one or more medications.

Based on the child's care plan and prior to caring for the child, the operator and substitute should receive training for and implement measures for preventing exposure to specific food(s) to which the child is allergic; recognizing the symptoms of an allergic reaction; treating allergic reactions. The written care plan, a mobile phone, and the proper medications for appropriate treatment if the child develops an acute allergic reaction should be routinely carried on field trips or transportation out of the home setting. The operator or substitute shall notify parents/guardians immediately of any suspected allergic reactions, as well as the ingestion of or contact with the problem food even if a reaction did not occur. The operator or substitute should contact the emergency medical services system immediately whenever epinephrine has been administered.

Chapter 14: Ratio

The term “staff-to-child ratio” refers to the number of child care personnel that have primary responsibility for the direct supervision of a particular group of children. The required staff-to-child ratio must be met at all times when children are in care (including when transporting children), except for those specific circumstances described below. (See [Ratio Worksheet](#) for handy reference for ratio requirements in child care facilities, family day care homes, and large family child care homes). In addition to meeting the required staff-to-child ratio, in certain situations, additional supervision must be provided to ensure the safety of the children in care. These situations and requirements are covered in the chapter on supervision (see **Chapter 17: Supervision**).



Recommended practice...

When discussing the intended use of each room with the provider during the indoor capacity determination, it would be appropriate to discuss the staff-to-child ratio for each age group. Knowing the required ratio may influence how the room will be used.

Child Care Facilities

Required Staff-to-Child Ratios

The staff-to-child ratios established by statute are based on primary responsibility for the direct supervision of children and apply at all times when children are in care, including when children are being transported.³¹⁸ The following staff-to-child ratios apply to child care facilities:³¹⁹

- For children **from birth through** 1 year of age, there must be one child care personnel for every four children.
- 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.
- 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.
- 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.
- 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.

³¹⁸ 65C-22.001(6), F.A.C. and Section 2.3 Facility Handbook

³¹⁹ Section 402.305(4), F.S.

- For children 5 years of age or older, there must be one child care personnel for every 25 children.

In a group that includes children of mixed ages, the following staff-to-child ratios apply:

- If any child younger than age 1 is included in the group, one staff member shall be responsible for no more than four children at all times.³²⁰
- If any child is at least 1 year of age, but younger than 2 years of age, one staff member must be responsible for no more than six children at all times.³²¹
- When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group within the mixed age group with the largest number of children.³²²
- When equal numbers of children are combined in one group in a child care facility in which no children in the group are under the age of 2, the staff to child ratio for the oldest age group will apply. For example, in a group made up of 6 three-year olds, 8 four-year olds, and 8 five-year olds, the staff to child ratio for the five-year olds would apply.

Additional Adults Required

- **Field trips.** For the purpose of safety and to assist in providing direct supervision, in addition to the number of staff required to meet the staff-to-child ratio, one additional adult must be present on all field trips away from the child care facility.³²³
- **Swimming activities.** If a child care facility uses a swimming pool that is more than 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 the 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



Frequently Asked Questions

Question: Can the additional adult be a volunteer or parent?

Answer: Yes, as long as they are appropriately screened and trained for the number of volunteer hours they work or are under the direct supervision of staff that are screened and trained.

Question: Can the additional adult be a foster grandparent?

Answer: Yes, if they meet all of the requirements for a volunteer.

Question: Can the lifeguard at a public pool count as the additional adult?

Answer: Not if the lifeguard is employed at the location of the pool. The only way the lifeguard can be counted as the additional adult is if he or she is provided by the child care facility or home.

³²⁰ 65C-22.001(6), F.A.C. and Section 2.3.1, A. Facility Handbook

³²¹ 65C-22.001(6), F.A.C. and Section 2.3.1, B. Facility Handbook

³²² Section 402.305(4)(a)7., F.S.

³²³ 65C-22.001(6), F.A.C., and Section 2.4.1 G Facility Handbook

a certified lifeguard certificate or equivalent, that person can also serve as the additional adult required above.³²⁴

- **School-age children in an unfenced outdoor play area.** When caring for school-age children in a child care facility, to assist in providing direct supervision, if the provider has been granted an exemption from the fencing requirement, an additional staff member must be present at all times during outdoor activities in addition to the required staff-to-child ratio.

In most cases, in order to be included in the staff-to-child ratio in a licensed child care facility, child care personnel must be engaged in the direct supervision of children. However, during naptime, staff may be counted towards meeting the required staff-to-child ratio if they are within the same building and on the same floor as the children assigned to their care, and if they are readily available if summoned.³²⁵ Additionally, when transporting children, the driver may be counted for purposes of calculating the staff-to-child ratio.³²⁶

The following persons may not be included in the staff-to-child ratio:

- An individual participating in a community service work experience activity or a work experience activity at a child care facility for purposes of the Temporary Cash Assistance Program, the Welfare Transition Program, or the Food Stamp Employment and Training Program may not be considered in calculating the staff-to-children ratio.³²⁷
- Persons under the age of 16 are prohibited from being employed at a child care facility unless under direct supervision and cannot be counted for the purposes of computing the staff-to-child ratio.³²⁸
- Foster grandparents are not counted in the staff-to-child ratio. They 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.³²⁹

School-Age Child Care Programs

Required Staff-to-Child Ratio

For children 5 years of age and older, there must be one staff member for every 25 children.³³⁰ The required staff-to-child ratio must be maintained at all times, including when children are being transported. The driver may be included in the staff-to-child ratio.³³¹

Additional Adults Required

- **Unfenced outdoor play area.** In addition to the required staff-to-child ratio, if the provider has been granted an exemption from the fencing requirement, an additional staff member

³²⁴ 65C-22.001(6), F.A.C., and Section 2.4.1 G Facility Handbook

³²⁵ 65C-22.001(6), F.A.C., and Section 2.4.2 Facility Handbook

³²⁶ 65C-22.001(6), F.A.C., and Section 2.5.4 Facility Handbook

³²⁷ Section 402.305(4)(b), F.S.

³²⁸ Section 402.305(2)(c), F.S.

³²⁹ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

³³⁰ 65C-22.008(4), F.A.C. and Section 2.3 School-Age Handbook

³³¹ 65C-22.008(4), F.A.C. and Section 2.5.1, 5, School-Age Handbook

must be present at all times during outdoor activities to assist in providing direct supervision.³³²

- **Field trips.** For the purpose of safety and to assist in providing direct supervision, in addition to the number of staff required to meet the staff-to-child ratio, one additional adult must be present on all field trips away from the school-age child care program.³³³

Large Family Child Care Homes

Required Staff-to-Child Ratio

A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- A maximum of eight children from birth to 24 months of age
- A maximum of 12 children, with no more than 4 children under 24 months of age³³⁴

If some children are participating in a field trip and some children remain at home, at no time may the total number of children in care (the combined number of children on the field trip and at home) exceed the capacity limit established by s. 402.302(7), F.S. (delineated above).³³⁵

At any time that the provider has enough children in care to meet the definition of a large family child care home, the children must be supervised by a full-time employee in addition to the operator. At any time that the provider is not caring for enough children to meet the definition of a large family child care home, the provider may operate as a licensed family day care home and meet that ratio requirement. Operators may change from one category to another at any time as long as they remain in compliance with capacity requirements for that category.

Additional Adults Required

- **Field trips.** In addition to the number of staff necessary to meet the required staff-to-child ratio, if there are more than six preschoolers participating in a field trip away from a large family child care home, there must be one additional adult present per every six preschoolers to assist in providing direct supervision of the children. For example, if there are seven preschool children going on a field trip, two adults must be present.
- **Swimming activities.** If the large family child care home uses a swimming pool that exceeds three (3) feet in depth or uses a beach or lake area for water activities, one additional person who is a certified lifeguard (or the equivalent) must be present unless a certified lifeguard is on duty and present while the children are in the swimming area.³³⁶

Licensed Family Day Care Homes

The licensed capacity of a family day care home is not based on indoor/outdoor square footage. The maximum capacity of a licensed family day care home, including children under

³³² 65C-22.008(4), F.A.C. and Section 3.5.1, 2 School-Age Handbook

³³³ 65C-22.008(4), F.A.C. and Section 2.4, 9. School-Age Handbook

³³⁴ Section 402.302(11), F.S.

³³⁵ 65C-20.008(6), F.A.C. and Section 2.4.5, E. FDCH/LFCCH Handbook

³³⁶ 65C-20.008(6), F.A.C. and Section 7.7 FDCH/LFCCH Handbook _____

13 years of age who are related to the caregiver or an adult household member who permanently or temporarily resides in the home, is *one* of the following:

- A maximum of four children from birth to 12 months of age
- A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children
- A maximum of six preschool children if all are older than 12 months of age
- A maximum of ten children if no more than five are preschool age and, of those five, no more than two are under 12 months of age³³⁷

Dually Licensed Family Day Care Homes

The Family Safety Program Office and the Child Care Regulation Program Office within the Department have determined the following:

- The total capacity for foster care and child care cannot exceed five children, regardless of whether foster children are customarily in the home during child care hours or not.
- Each program must apply all of its minimum requirements and the most stringent rule shall apply to ensure the safety and protection of all children in care.

Coordination and communication between child care and foster care is crucial to the safety of children in care. See Child Care Policy Memo, "[Dual Licensure of Foster Homes and Family Day Care Homes](#)", (June 25, 2003).

School Readiness Group Size Requirements

This section is only applicable facilities contracted with the Office of Early Learning to provide School Readiness services.

Children benefit from social interactions with peers. However, larger groups are generally associated with less positive interactions and developmental outcomes. Group size works to raise program quality due to increased individual attention and interaction for each child in care.

The maximum group sizes within each classroom are defined below and may also be found in the School Readiness Handbook OEL-SR-6202 available online at:



Frequently Asked Questions

Question: If an unrelated child 13 year of age (or older - through 17) is in the family day care home for care, do they have to be counted in the capacity?

Answer: Yes. Only the 13-year old (or older - through 17) child who is related to the operator or an adult household member who permanently or temporarily resides in the home, is not counted.

Question: Should the children of visitors who bring their own children to the family day care home on a temporary/intermittent basis be counted in the ratio?

Answer: As long as the visitors are temporary/intermittent and children's parent(s) are present, they are not considered "children in care."

³³⁷ Section 402.302(8), F.S.

http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/HS%20Handbook%20Facilities_OEL-SR-6202_ADA.pdf

- For infants from birth up to 12 months of age, group size may not exceed twelve (12) children in a single classroom. There must be two designated lead teachers for infant classrooms operating with 9 to 12 children, and two of the three program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. There must be one designated lead teacher for infant classrooms operating with 5 to 8 children, and one of the two program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to an infant classroom operating with 4 or less children.
- For children age 1 year up to 24 months of age, group size may not exceed twelve (12) children in a single classroom. There must be one designated lead teacher for classrooms operating with 7 to 12 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 6 or less children.
- For children age 2 years up to 3 years of age, group size may not exceed twenty-two (22) children in a single classroom. There must be one designated lead teacher for classrooms operating with 12 to 22 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 11 or less children.
- For children age 3 years up to 4 years of age, group size may not exceed thirty (30) children in a single classroom. There must be one designated lead teacher for classrooms operating with 16 to 30 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 15 or less children.
- For children age 4 years up to 6 years of age, group size may not exceed forty (40) children in a single classroom. There must be one designated lead teacher for classrooms operating with 21 to 40 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 20 or less children.

- For school-age children age 6 years and older, group size may not exceed fifty (50) children in a single classroom. There must be one designated lead teacher for classrooms operating with 26 to 50 children, and one of the two program personnel necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 25 or less children.
- In groups of mixed age ranges, where children under two years of age are included, the group size for the youngest population present within the group applies.
- In groups of mixed age ranges, where children two years of age or older are included, the group size for the majority population present within the group applies.
- Group size requirements do not apply during times of outdoor play, provided that ratios and the applicable square footage requirements are maintained at all times.
- Group size requirements do not apply during sedentary activities for school-age only programs, provided that supervision and ratio requirements are maintained at all times.
- Active credential requirements do not apply during times of napping or sleeping, provided that supervision requirements during napping and sleeping are met as provided in Section 5 below.
- All new lead teachers will have one year from the start of employment to obtain an active credential, or its equivalent, as determined by the department pursuant to Rule 65C-22.003, F.A.C. However, they must show documentation of enrollment in credential requirement courses within six months of employment.

Chapter 15: Record Keeping

The Child Care Licensing File

The licensing file is maintained and continually updated by the licensing counselor. It contains documentation of all licensing requirements and must be current, well organized, and up-to-date. The licensing file is kept at the licensing unit.

Licensing records must contain certain information that includes, but is not limited to, the following:

- License certificates
- Initial and subsequent applications
- Floor plans and capacity calculator forms
- All inspections of the facility or home (including previous environmental health, medical, and fire inspections)
- Documentation of administrative/enforcement decisions and actions
- Complaint investigations and supporting documentation (such as but not limited to; chrono notes, signed statements from witnesses, accident/incident reports, medication logs, transportation logs, etc.)
- Local zoning documents (urban)
- Correspondence (such as but not limited to; letters, chrono notes documenting telephone conversations, etc.)

The licensing record is considered a public document. As such, it is subject to the public's review upon request. However, these records become public records **only** when released by the agency of record (the agency that is responsible for maintaining the record). Background screening records may **NOT** be released by licensing staff except for the [Affidavit of Good Moral Character \(AGMC\)](#), which is considered a public record.

Since the contents are available to the public, confidential information must **NOT** be placed in the licensing file. It must be filed separately, maintained in a confidential manner, and clearly marked "Confidential."

Filing must be kept current at all times. Facility licensing records may be organized according to region preference as long as all of the required information is included and all of the files within the region are consistent. Files for family day care homes and large family child care homes may be organized in a similar fashion as those for facilities as long as region-specific file integrity and protocol are maintained.

To avoid thick and cumbersome files, licensing records that are more than three years old may be filed separately. If materials accumulate and the record is less than three years old, it may become necessary to set up a procedure for creating several volumes. For example, Volume 1 may contain several years of information until the file becomes cumbersome and then Volume 2 would be created.

Basic Public File Organization

It is recommended that licensing records be organized in six separate sections. The records should be organized chronologically by licensure year, with the most current information on top. The following is a suggested order and labeling system for the files that should be contained in the licensing record:

- License Certificates, License Applications, and Licensing Summaries
- Licensing Inspections
- Environmental Health Inspections (previous or septic and/or well approvals)
- Fire Safety Inspections
- Complaints
- Enforcement Actions

The organization, consistency, and the integrity of the file are more important than adherence to any particular filing system as long as all six of these sections are represented in the order described. Region-specific files may contain additional sections including correspondence and miscellaneous information.

Confidential Files

According to the Florida Statutes, public records include:

“...all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other materials, regardless of physical form, or characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of any agency.”³³⁸

This statute also states that “...it is the policy of this state that all state, city, county, and municipal records shall be open for inspection to any person...”. The Florida Supreme Court interprets this definition very broadly and all records kept by government agencies are open to inspection by the public unless exempted by law. Records that are exempted or not open to inspection must be kept in a separate folder marked “Confidential,” filed with the regular file information, but not placed in the licensing file.



Recommended practice...

It is recommended that confidential information be filed in a separate color-coded folder as a visual cue that it is confidential information.

For more information on public records and exemptions read, “Florida’s Public Records Law.” Below is a list of information that must be marked “Confidential” and placed in a confidential file:

³³⁸ Section 119.011(12), F.S.

- All background screening information and clearance documents for the director and owner of facilities, including household members adjacent to a facility. For family day care homes and large child care homes the file must include applicable screening documents for the operator, household members, substitutes, and employee (LFCCH)
- For programs that are owned by a corporation or LLC, all background screening documents for Corporate/LLC members, Officers, Director, and Registered Agency on record with the Department of State (sunbiz.org) must be on file.
- Corporate/LLC members with a non-active role in the child care program may submit in lieu of background screening an organizational chart of the members of the Corporation/LLC and a notarized [Non-Active Member Affidavit](#) for each non-active corporate/LLC member.
- Records from the Florida Department of Law Enforcement (FDLE) and other law enforcement agencies.
- Confirmation of Statutory Confidential Status form (the last two pages of the application for a license for a family day care home or large family child care home). Licensed family day care home or large family child care home providers are required to confirm whether or not they meet the criteria exempting them from public records disclosure. If the provider meets the confidentiality status, Section 4(a) must be completed. If the confidentiality status is not met, Section 4(b) of the application form must be completed.
- Any documents involving abuse or neglect allegations.
- A Central Abuse Hotline report (also known as a Child Safety Assessment), which is a summary of abuse/neglect reports that may be provided to the licensing unit for assessment purposes. It should be reviewed by the counselor, supervisor, and legal counsel, as appropriate.

Although they are not confidential, all reports, inspections, and similar documents may contain personal names. Department policy allows the use of the name to refer to people. There are some forms, such as the Application Form, that are not confidential, but contain confidential information. Each unit must follow the regional policy that all files have to be monitored for confidentiality if there is a public records request. *The policy should state that all confidential information must be redacted prior to filing the record in a public file.*

Although the Department requires an [Affidavit of Good Moral Character](#) as part of the background screening, this document is not a confidential form and should not be maintained in the confidential file.



Important Information!

Sometimes there is a joint investigation of a complaint that also involves an abuse/neglect allegation. Any information about that investigation should be written as "Another member of the Department stated..."

Record Retention

Records for child care facilities, family day care homes, or large family child care homes should be retained as long as the facility or home is in operation. The file must be readily available and include information for the past three years.

The **historical** file includes information that is older than three years. It may contain several volumes on a single facility or home that has been in operation for a long period of time or one that is very large or complex. Regions may wish to permanently retain records of problematic facilities or homes. Complaints with findings or areas of concern should be permanently retained as part of the historical licensing file. Historical records may be streamlined by eliminating old inspection reports, unfounded complaints, obsolete correspondence, and similar documents, as long as enough information is retained to portray an accurate long-term picture of the facility or home. Remember that abuse reports must be shredded and must not be maintained in the licensing file. Background screening information must be maintained in a confidential file as it is not public information.



CARES Reminder

Electronic files for providers will remain open and accessible to update in the CARES database until the facility or home status changes to a closed status.

After the file is closed, information remains in the database and is accessible upon request. Each licensing unit may choose to maintain a brief summary or chronology of the closed facility or home, its owner/operator, and any comments for use in the event a facility or home reopens. In any case, the agency of record's archival procedure may be followed. The record retention schedule for child care licensing files is CFP 15-7. March 14, 2011.

File Organization and Documentation for Child Care Providers

All child care providers are also required to keep current, well-organized, and up-to-date files postings, written policies, records, and other documentation for children in care, employees, and their own child care program. Licensing counselors may find it helpful to reproduce the list of required forms and use them as a training tool for providers. Each of the records described in this section must be maintained at the program location and must be available during the hours of operation for review by the licensing authority. The following is a list of documentation that is required to be at the program site:

Postings

Facilities and Homes

- A. **Emergency telephone numbers, the facility/home address, and directions to the facility** must be posted on or near all telephones and include all emergency numbers and specific, detailed directions to the facility/home.³³⁹
- B. **Emergency evacuation plan** posted for each room of the facility, excluding restrooms,

³³⁹ 65C-22.001(6), F.A.C., Section 7 B.7. Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.20 FDCH/LFCCH Handbook

including a diagram of safe routes by which the personnel and children may exit in event of a fire or other emergency. Large home operators shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation.³⁴⁰

- C. **Hand Hygiene postings** in food preparation, diapering and toileting areas for situations or times staff must perform hand hygiene.³⁴¹
- D. **Group/Class planned activities schedule for facilities and large child care homes** posted for each group or class in an easily seen location accessible to parents/legal guardians. The written plan shall include a variety of activities that range from structured to unstructured activities that encourage a child's developmental growth.³⁴²

Facilities:

- A. **Emergency preparedness drills** posted in an easily seen location showing the type of drill, date conducted, number of children and staff in attendance and time taken for all individuals to complete the drill.³⁴³
- B. **Meal and snack menus** must be written, planned and dated at the beginning of each week and easily seen and accessible to parents.³⁴⁴

Written Policies and Plans

Facilities and Homes:

- A. **Written disciplinary and expulsion policy** consistent with Section 402.305(12), F.S., including 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. The policy must be comprehensive and include developmentally appropriate social-emotional and behavioral health promotion practices as well as discipline and intervention procedures that provide specific guidance on what child care personnel should do to prevent and respond to challenging behaviors.³⁴⁵
- B. **Incident or unusual occurrence threatening to the health, safety or welfare of the children, staff or volunteers plan.**³⁴⁶ The following types of incidents must be reported and managed:
- Lost or missing child
 - Suspected maltreatment of a child

³⁴⁰ 65C-22.001(6), F.A.C., Section 3.8.5, E. Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.22, G. FDCH/LFCCH Handbook

³⁴¹ 65C-22.001(6), F.A.C., Section 3.10.1, D. Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.16 FDCH/LFCCH Handbook

³⁴² 65C-22.001(6), F.A.C., Section 2.6 Facility Handbook, 65C-20.008(6), F.A.C., and Section 2.5 FDCH/LFCCH Handbook

³⁴³ 65C-22.001(6), F.A.C. and Section 3.8.5, C. Facility Handbook

³⁴⁴ 65C-22.001(6), F.A.C. and Section 3.9.3, H. Facility Handbook

³⁴⁵ 65C-22.001(6), F.A.C. and Section 2.8 Facility Handbook, 65C-20.008(6), F.A.C., and Section 2.3 FDCH/LFCCH Handbook

³⁴⁶ 65C-22.001(6), F.A.C., Section 3.8.7 Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.20, H. FDCH/LFCCH Handbook

- Injuries or illness requiring hospitalization or emergency treatment
 - Death of child or staff member
 - Presence of threatening individual who attempts or succeeds in gaining entrance to the facility.
- C. **Emergency preparedness plan** that includes at a minimum, procedures to be taken by the facility/home during a fire, evacuation, relocation, shelter in place, lockdown and inclement weather and to facilitate parent/guardian onsite and offsite reunification, including children with special needs or chronic medical conditions.³⁴⁷
- D. **Contingency plan for emergency or disaster situations** need to be in place when it may not be possible to follow standard emergency procedures. Emergency procedures must be posted and readily available. All staff must be trained to manage in an emergency.³⁴⁸
- E. **Preparations and storage of expressed breastmilk.** Providers should develop and follow procedures for the preparation and storage of expressed breastmilk that ensures the health and safety of all infants, as outlined by the Academy of Breastfeeding Medicine Protocol, and prohibits the use of infant formula for a breastfed infant without parental consent, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated in 65C-22.001(7)(v) F.A.C

Facilities:

- A. **Shaken Baby Syndrome and Abusive Head Trauma policy** and procedure to identify and prevent shaken baby syndrome and abusive head trauma.

Homes:

- A. **Sleeping Arrangements.** The operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request.

Records

Facilities and Homes:

- A. **Facility emergency preparedness plan drill records** must be maintained for one year from each drill.
- Lockdown and inclement weather drills shall be conducted a minimum of one time each per operating year when children are in care and the documentation must be maintained for two years.
 - A lockdown or inclement weather drill may substitute for one monthly fire drill.

³⁴⁷ 65C-22.001(6), F.A.C., Section 3.8.5, E. Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.22, G. FDCH/LFCCH Handbook

³⁴⁸ 65C-22.001(6), F.A.C., Section 3.8.7 Facility Handbook, 65C-20.008(6), F.A.C., and Section 7.20 FDCH/LFCCH Handbook

No more than three fire drills may be substituted during a 12 month period.

Home emergency preparedness plan drill records showing the type of drill, date conducted, number of children in attendance, and time taken for all individuals to complete the drill will be documented by the Operator for all the drills and maintained for two years.

- B. **Fire drill records** showing the date, number of children and staff in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Fire drill records must be maintained for two years from the date of the fire drill and include, at a minimum:
- One fire drill using an alternate evacuation route,
 - One fire drill during napping/sleeping times, and
 - One fire drill in the presence and at the request of the licensing authority.
- C. **Daily attendance records** of children must be maintained for a minimum of four months facilities and six months for homes.
- Attendance of children must be taken and recorded accurately by the child care personnel, documenting the time when each child enters and departs the program
 - Attendance records for Voluntary Pre-Kindergarten or School Readiness may be used, if applicable.
 - Each facility classroom must have an attendance sheet/class roster for the group of children occupying that space.
 - Attendance records must reflect communication efforts completed by the provider when a child is absent.
- D. **Accidents/incidents records** must be maintained for one year. All accidents/incidents must be documented, shared and signed by the parent, legal guardian or the person authorized to pick up the child on the same day that the incident occurred. Documentation must include the name of the affected party, date and time of the occurrence, description of what occurred, action taken and by whom and appropriate signatures of program staff and parent/guardian.

Facilities:

- A. **Daily meal and snack menu records**, including substitutions, must be maintained for 4 months.
- B. **Field trips and food activities/special occasions parental permission records** must be retained for at least four months from the date of the field trip.
- C. **Outdoor play equipment inspection records** to include sanitation, good repair and safety, including supports, connectors and moving parts both above and below the ground, must be conducted monthly and maintained for two years.

- D. **Credentialed facility personnel's work schedule records** maintained for a period of four months. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.
- E. **Volunteer written record of hours** must be maintained at the facility.

Logs:

Facilities:

- A. **Food acceptance logs** for prepared meals outside the facility must be retained for a minimum of four months. The log must include the delivery date, time of arrival, quantity and types of food, verification by the recipient of adequate temperatures of food and the name and signature of the recipient.

Transportation Documentation (Facilities and Homes):

Child care providers must comply with minimum health and safety standards to ensure the well-being of children in their care being transported

- A. **Driver** of any vehicle used by a child care program to provide transportation must have the following:
 - A valid Florida driver's license including the proper endorsement;
 - A certificate(s) of course completion for first aid training and cardiopulmonary resuscitation (CPR) procedures. The facility CPR must be pediatric.
 - Annual physical examination which grants medical approval to drive for homes
- B. **Vehicle insurance** documentation must be maintained at the facility for vehicles owned, operated or regularly used by the facility or through a contract or agreement with the facility that complies with the insurance requirements found in section 316.615(4) F.S.

Child care family home operators must maintain current insurance documentation on all vehicles used to transport children in their care.

- C. **All vehicles** for facilities or homes regularly used to transport children must be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic must be maintained in the vehicle.
- D. **Transportation logs** must be maintained for all children being transported in a vehicle or on foot away from the premises and be available for review and retained for a minimum of twelve months. The log must include:
 - Child's name,
 - Date and time of departure,
 - Time of arrival at the destination,

- Signature of the driver or in the case of traveling on foot, the signature of the child care personnel
 - Prior to transporting children, the transportation log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.
 - Upon arrival at the destination by vehicle or by foot, the child care personnel must record, sign and date the transportation log immediately, verifying that all children were accounted for. The same must occur immediately upon returning to the facility premises. Large homes and facilities require that the employee or a second staff member complete a visual sweep and sign and date the transportation log verifying that all children were accounted for.
- E. **Emergency Care Plans** with parent or legal guardian contact information must be in the possession of child care personnel when transporting children by vehicle or on foot away from the home/facility. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency care plans and supplies or medication must be available in the vehicle or with child care personnel on the field trip. The responsible adult in the vehicle or on the field trip must be trained to recognize and respond appropriately to a medical emergency.

General Documentation:

Facilities:

A. **License or permit for caterers**

Homes:

- A. **Properly Vaccinated animals, clean and free from disease.** Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl; and be free from disease. Custodial parents or legal guardian must be informed in writing of all animals on the premises of the home. Such information may be provided by way of a parent flyer, a notification statement, or a statement included in the child's enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority.
- B. **Smoking prohibited on premises notification, including e-cigarettes,** for parents/guardians. All operators shall inform custodial parents or legal guardians in writing, if someone living in the home smokes, including e-cigarettes. Pursuant to Chapter 386.204, F.S., while children are in care, smoking is prohibited, within the home and in vehicles when transporting children. Tobacco and other smoking equipment/materials must be kept inaccessible to children at all times.

Files for Children in Care

Each child in care should have an individual record maintained at the facility, family day care home, or large family child care home. Inactive files should be maintained separately from active files. For facilities, if records are maintained in a central location away from the facility, a copy of the record will be sufficient.

Immunization Records (Facilities and Homes):

The child care facility/home 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, which is incorporated by reference in 65C-22.001(7)(o), F.A.C., or the Religious Exemption from Immunization form, DH 681, which is incorporated by reference in 65C-22.001(7)(p), F.A.C., from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department.

- A. 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.
- B. If the custodial parents or legal guardians fail to provide the documentation required above within 30 days of enrollment, the facility shall not allow the child to remain in the program. The parent/guardian of a child who has not received the age-appropriate immunizations prior to enrollment and who does not have documented medical, religious, or philosophical exemptions from routine childhood immunizations must provide documentation of a scheduled appointment or arrangement to receive immunizations. Facility providers must include written notification to inform parents, at time of enrollment, that some children in care may not have current immunizations.



Recommended practice...

Providers should develop a policy for notifying custodial parents when the Health Examination Certificate and the Certificate of Immunization must be updated.

Student Health Records (Facilities and Homes):

The child care facility/home is responsible for obtaining for each child in care a current, complete and properly executed Student Health Examination form DH 3040, which is incorporated by reference in 65C-22.001(7)(q), F.A.C. and may be obtained from the local county health department, the parent or legal guardian, or a signed statement by authorized professionals that indicate the results of the components of the Student Health Examination form are included in the health examination.

- A. 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. If the custodial parents or legal guardians fail to provide the documentation required above within 30 days of enrollment, the facility shall not allow the child to remain in the program.
- D. 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.
- E. 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.

Additional Health Records and Documentation Requirements:

Facilities and Homes:

- A. Written authorization from the custodial parent or legal guardian to give prescription and non-prescription medications.
 - This authorization must be dated and signed by the custodial parent/legal guardian and contain the child's name, the name of the medication and date, time and amount of the correct dosage. This record shall be initialed or signed by the child care personnel who gave the medication.
 - Prescription and non-prescription medications used on an "as needed" basis require the parent/ legal guardian to provide additional documentation on the authorization form to describe.
- B. Record for each child receiving medication maintained for a minimum of four months for facilities and six months for homes after the last day the child received the dosage. Record must document child's full name, name of medication, date and time medication was given, amount and dosage of medication and the name of person who gave the medication. The person who administered the medication must initial or sign the record.
- C. Prior to administering medication to children, child care personnel responsible for administering medication must have completed training.
- D. Child care personnel must ensure sun safety for themselves and children under their supervision. It is recommended that infants younger than six months of age are kept out of direct sunlight, limiting sun exposure when ultraviolet rays are strongest. Sunscreen may only be utilized with written permission from parents/guardians. Manufacturer instructions must be followed.

Facilities:

- A. Current Emergency Care Plan readily assessable and included in the child's file for any child who has or is at an increased risk for a chronic physical, developmental, behavioral or emotional condition and require additional services. Child care personnel caring for a child with an Emergency Care Plan must be trained to recognize and respond appropriately to a medical emergency.
- B. Authorization in writing by a physician if an alternate napping or sleeping position is needed for young infants not capable of rolling over. Infants are positioned on their back to reduce the risk of Sudden Infant Death Syndrome (SIDS).
- C. Written consent from parent/legal guardian if serving raw milk or unpasteurized juice to child/children in care.
- D. Written documentation of known food allergies (if applicable) must be maintained for as long as the child is in care.
- E. 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.

Homes:

- A. 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 operator has written authorization from the custodial parent or legal guardian to do so. 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.
- B. Use of diaper creams and insect repellent may only be utilized with written permission from parents/guardians. Manufacturer instructions must be followed.

Enrollment Information

Facilities and Homes:

The facility/home 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 65C-22.001(7)(f), F.A.C., or an equivalent form that contains all the information required by the department on CF-FSP Form 5219.

- A. Enrollment information shall be kept on file, current and available for review by the licensing authority.
- B. The enrollment information shall include, in writing, permission for the facility to release the child to any person(s) authorized or in the manner authorized by the custodial parent or legal guardians. The name, address and phone number of authorized persons must be in the enrollment information.
- 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's child care facility brochure, CF/PI 175-24, Know Your Child Care Facility, which is incorporated by reference in 65C-22.001(7)(m), F.A.C. or Department's child care *home* brochure, "[Selecting a Family Day Care Home Provider](#)," CF/PI 175-28 (Family Day Care Home and Large Family Child Care Home Providers)
 2. The child care facility's written disciplinary and expulsion policies.
 3. The child care facility's food and nutrition policies that includes language on food safety and food allergens.
 4. 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, Influenza Virus, Guide to Parents, which is incorporated by reference in 65C-22.001(7)(n), F.A.C..
- D. Enrollment information shall include parental/guardian consent for child care

personnel to have access to child's records.

Files for All Child Care Personnel

Files for child care facility personnel (facility owners, directors, employees, volunteers, substitutes, and household members if facility is adjacent to operator's home) must be located and maintained at the child care facility.³⁴⁹ Copies of personnel files are acceptable if original files are maintained offsite, this may be the case for facilities owned by a corporation or head start agency. Electronic files are acceptable if they are accessible to licensing during the time of inspection.

A copy of the owner(s) and director's files for child care facilities must be maintained in the licensing file in the confidential section. The file should include all screening and training records.

A copy of the operator, household member(s), substitutes, and employees in a large family child care home must be maintained in the licensing file in the confidential section.

Background screening documentation.³⁵⁰

Level 2 Background screening as defined by Section 402.302(3), F.S. must be conducted and the documentation maintained as a condition of employment for all child care personnel. A screening conducted under this rule is valid for five years, at which time a re-screen must be conducted in the same manner as the initial screening.

The employer/owner/operator must review each employment application to assess the relevancy of any issue uncovered by the completed background screening, including any arrest, pending criminal charge, or conviction, and should use this information in employment decisions in accordance with state laws. Owners and directors of a child care facility must have a level 2 background screening clearance from the department prior to licensure. Operators, household members, substitutes, volunteers and large Family Child Care Home employees must have a level 2 background screening clearance prior to obtaining a license, residing in the home, employment, or volunteering unsupervised with children. Each personnel record must include the following:

Facilities and homes:

- A. CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.001(7)(b).
- B. CF-FSP Form 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference in 65C-22.001(7)(a), F.A.C., and must be completed at the time of initial screening or upon change in employers.
- C. Five year employment history check that includes the applicant's job title, description of regular duties, confirmation of employment dates and the level of job performance. Attempts to contact each employer must be made with the results and findings documented.
- D. A copy of the eligible results for the Level 2 screening generated from the Clearinghouse must be on record for each personnel.

³⁴⁹ 65C-22.001(6), F.A.C., Section 7.4 Facility Handbook, 65C-22.008(4), F.A.C., and Section 6.3 School-Age Handbook

³⁵⁰ Sections 435.04, F.S. and 402.3055, F.S.

- E. A copy of the DCF letter/email informing of search conducted of the Florida's child abuse and neglect registry must be on record for each personnel screened between July 1st and December 15th of 2016.
- F. A copy of each request made to out of state child abuse and neglect registries for individuals who lived outside the state of Florida in the preceding five years.
- G. A copy of each search conducted for out of state sexual offender/predator registries for individuals who lived outside the state of Florida in the preceding five years.
- H. A copy of all background screening clearance documents for the director and owner of a facility and for the operator, household members, substitutes, and Large Family Child Care Home employees of a home must be included in the department's official "confidential" child care licensing file or in accordance with the appropriate local licensing agency requirements.
- I. Childcare personnel must be added to the Employee/Contractor Roster when an eligible result is received and the employee has been hired at the facility. Employer/owner/operator must add an end date for individuals on the Employee/Contractor Roster in the Clearinghouse within 10 days of the employment termination.
- J. The employer/owner/operator will receive an email notification if any employee on the Employee/Contractor Roster is arrested for a disqualifying offense. The employer/owner/operator is required to take appropriate action if an employee becomes disqualified from employment pursuant to s. 435.06, Florida Statutes.

Documentation of Credentials and Training

The department's training transcript is the only acceptable verification of successful completion of the department's training. A copy of the department's Training Transcript must be included in each staff members personnel record.

Facilities:

Director Credential

Section 402.305(2)(f), F.S., requires every child care facility to have a Director with an active Director Credential. The Director Credential is issued by the department or its designated Representative on CF-FSP Form 5252, Florida Director Credential Certificate, which is incorporated by reference in 65C-22.001(7)(g), F.A.C. CF-FSP Form 5252 must be maintained at the facility for review by the licensing authority. 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.

Exceptions to Director Credential Requirement:

- A. A credentialed director is not required during evening hours as defined in Section 402.305(3), F.S. _____

- B. Pursuant to Section 402.305(1)(c), F.S., a credentialed director may supervise multiple before-school and after-school sites. See the Desk Reference Chapter 10, Credentials for more information.

Staff Credentials

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. A copy of the Training Transcript for each credentialed staff member must be maintained in the employee file at the facility. Written documentation of the credentialed personnel's work schedules must be maintained for a period of four months. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

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. Calculating the number of credentialed personnel necessary is as follows:

- A. 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.
- B. 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.
- C. Child care personnel meeting the staff credential requirement must work at the facility a minimum of 20 hours per week, excluding naptime. A credentialed staff person must be on-site during all operational hours for those facilities that operate 20 hours or less per week.
- D. 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.
- E. 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.
- F. An individual with an inactive credential is ineligible to be counted as a credentialed staff member until the credential is renewed or the individual meets one of the qualifications listed in above.

40 Hours Introductory to Child Care Training

All facility child care personnel (does not include "Other Personnel" such as cooks, book keepers, janitors, etc., who do not work directly with children) must complete the 40 clock hour Introductory Child Care 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. 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. Successfully completed training must be documented on the training transcript. A copy of the training transcript for the director and owner of a child care facility must be included in the licensing file and documented in CARES.

Child care facility personnel: A copy of the training transcript must be included in each staff member's personnel record and maintained at each child care facility and documented in CARES.³⁵¹

Child care facility personnel including volunteers who work 10 hours or more per month must begin training within 90 days of employment in the child care industry 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. 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. The child care program is responsible for obtaining training documentation from child care personnel.

Homes:

Credential requirements for Large Family Child Care Homes

Large family child care home operators must possess one of the following credentials documented on the training transcript for a minimum of one year prior to licensure:

- A. An active National Early Childhood Credential (NECC)
- B. An active Birth Through Five or School-Age Florida Child Care Professional Credential (FCCPC) (formerly known as the Child Development Associate Equivalency)
- C. An active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) or School-Age Professional Certificate (SAPC); or meet the formal educational qualification requirement outlined on a Staff Credential Application.
- D. Formal Education Qualifications

An Employment History Recognition Exemption (CF-FSP Form 5211) will not be accepted to meet the minimum staff credential requirements for a large family child care home. An Employment History Recognition and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK). Florida law requires that VPK instructional personnel possess an appropriate credential.

30 Hour Family Child Care Home Training

All family day care homes and large family child care homes owners and substitutes must complete the initial 30 clock hour Family Child Care Home training prior to licensure and caring for children as evidenced by successful completion of competency 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 30 hour Introductory Child Care Training

³⁵¹ 65C-22.001(6), F.A.C., Section 4.5 Facility Handbook, 65C-22.008(4), F.A.C., and Section 4.4 School-Age Handbook

prior to January 1, 2004 are not required to fulfill the competency examination requirement. Successfully completed training will be documented on the Department's child care training transcript. A copy of this document must be maintained in the child care licensing file. See Chapter 18 for additional training requirements.

- A. Large family child care home employees must within 90 days of employment begin the department's 30-clock-hour Family Child Care Home training. The training shall be successfully completed within 12 months from the date on which the training began, as evidenced by the successful completion of a competency examination offered by the department or its designated representative with a weighted score of 70 or better. Training completion may not exceed 15 months from the date of employment in a Florida large family child care home.

Documentation of course completion may either be a single Family Child Care Home (30 HR) certificate or certificates for the five individual training courses which total 30-clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening. Training will be documented on the Department's child care training transcript. A copy of this document must be maintained in the child care licensing file and documented in CARES.

- B. Family day care home substitutes who work 40 or more hours per month on average over a six-month period shall successfully complete the Department's 30 clock hour Family Child Care Home training prior to licensure and caring for children. Training will be documented on the Department's child care training transcript. A copy of this document must be maintained in the licensing file and documented in CARES.
- C. Family day care home substitutes who work less than 40 hours a month on average shall successfully complete the Department's 3-hour Fundamentals of Family Child Care training or 6-hour Family Child Care Rules and Regulations prior to licensure. Training will be documented on the Department's child care training transcript. A copy of this document must be maintained in the licensing file and documented in CARES.
- D. Family day care substitutes who have successfully completed the 30-clock hour Family Child Care Home training are not required to complete the six-hour Family Child Care Rules and Regulations training

10 Hour Specialized Part II for Large Family Child Care Homes

Within six months of licensure, large family child care home operators must successfully complete 10-clock-hours of specialized training from the department's Part II training courses as evidenced by successful completion of a competency examination with a weighted score of 70 or better. These courses include:

- A. Special Needs Appropriate Practices (10 hours), or
- B. Understanding Developmentally Appropriate Practices (5 hours) and one of the following courses:
- C. Infant and Toddler Appropriate Practices (5 hours)

- D. Preschool Appropriate Practices (5 hours)
- E. School- Age Appropriate Practices (5 hours)



Important Information!

Effective October 1, 2010, the Department of Children and Families (DCF) Child Care Training Transcript is the only form of documentation used to verify completion of mandated introductory training requirements (30 or 40 hours) for licensure. Hard copy (paper) certificates are no longer be accepted.

- o DCF training certificates not updated on the DCF Child Care Training Transcript **prior to October 1, 2010** will require the training to be retaken.
- o The provider will be out of compliance with the mandated training standard until the coursework is retaken and completed.

Facilities and Homes

In-service Training

The records for the two previous years must be maintained at the facility or home for review by the licensing authority.

- A. Child care facility. All child care facility personnel must complete a minimum of 10 clock-hours or one continuing education unit (CEU) of in-service training concentrating on children ages birth through 12 annually during the state's fiscal year beginning July 1 and ending June 30. A new in-service training record is required each fiscal year. Documentation of the in-service training requirement must be recorded on a [Child Care In-Service Training Record \(CF-FSP Form 5268\)](#) and included in the child care facility's personnel records.³⁵²
- B. Licensed family day care homes and large family child care homes. All operators and employees in large family homes must complete a minimum of 10 clock hours or one CEU of in-service training concentrating on children ages birth through 12 annually during the operator's 12-month licensing year period. Employees of large family child care homes continuously employed or hired prior to the last month of the provider's licensure year must complete the annual ins-service training requirement. Documentation of the in-service training requirement must be

³⁵² 65C-22.001(6), F.A.C., Section 4.2.6 Facility Handbook, 65C-22.008(4), F.A.C., Section 4.7 School-Age Handbook

recorded on the [Child Care In-Service Training Record \(CF-FSP Form 5268A\)](#), and maintained at the home.³⁵³

Early Literacy Training

Pursuant to Section 402.305(2)(d)5., F.S. an approved early literacy and language development of children ages birth through five is required for all child care personnel. The training must be in a single course and it must be five clock hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma.

- A. Child care facility: All child care personnel must complete early literacy training within 12 months of the date of employment in the child care industry.
- B. Licensed family day care homes: Prior to licensure, all family day care home operators and substitutes who work 40 hours or more per month on average during a six-month period must complete early literacy training.
- C. Large family child care homes: The employee must complete early literacy training within 12 months of date of employment in the child care industry. Substitutes who work 40 hours or more per month on average during a six-month period must complete early literacy training prior to licensure.

School-age child care is exempt from this requirement.

First Aid and Cardiopulmonary Resuscitation (CPR) Training

- A. Facilities require that one staff member with a current and valid certificate(s) of course completion for first aid training and one staff member with a current and valid certificate of course completion for **pediatric** cardiopulmonary resuscitation (CPR) procedures be present at all times the children are in care. The same staff member may satisfy both requirements.
- B. Homes require both the operator and substitute staff member to hold a current and valid certificate(s) of course completion for first aid training and a valid certificate of course completion for **pediatric** cardiopulmonary resuscitation (CPR) procedures prior to licensure and caring for children.
- C. **Effective October 25, 2019, all facility and home staff will be required to have current and valid First Aid and pediatric cardiopulmonary resuscitation (CPR) training.**
- D. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years.
- E. 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.
- F. Documentation identifying which staff members have met the first aid and pediatric CPR training requirement must be kept on file.

³⁵³ 65C-20.008(6), F.A.C., and Section 5.6 FDCH/LFCCH Handbook _____

Safe Sleep/Shaken Baby Syndrome Training

All child care personnel, including substitutes and volunteers, who work in a facility or home that offers care to infants must have training regarding guidance on safe sleep practices, preventing shaken baby syndrome and abusive head trauma; recognition of signs and symptoms of shaken baby syndrome and abuse head trauma; strategies for coping with crying, fussing, or distraught child and the development and vulnerabilities of the brain in infancy in early childhood within 30 days of hire at the facility. Documentation of training must be maintained on the department's training transcript in the child care personnel record.

Fire Extinguisher Training

All home and facility staff shall be trained in the use and operation of a fire extinguisher within 30 days of employment. Documentation of completed training must be maintained in the personnel record.

Files for Facility Volunteers

- A. Prior to beginning volunteering in a child care facility, a [CF-FSP Form 5217, "Volunteer Acknowledgement"](#), must be completed and on file at the facility.³⁵⁴ This form requires the volunteer to attest to not receiving any form of payment or any other type of compensation for his or her time. It also includes a statement about being under the constant supervision of screened staff and not being left alone with or in charge of any group of children. CF-FSP Form 5217 also requires the volunteer to attest to understanding the background screening requirements, if applicable. The operator must sign, attesting the volunteer's statements are true and correct.
- B. Volunteers who work more than 10 hours per month on average or supervise children alone must meet the same background screening and training requirements as employees.
- C. Volunteers who work less than 10 hours per month and are under the constant supervision of screened and trained staff are not required to be screened or trained. Therefore, if a volunteer is not screened, the owner/operator should be able to document the reason.
- D. Foster grandparents are directly supervised volunteers who participate in the federal program pursuant to Title 45 Public Welfare, section 2552.75. 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 are not classified as child care personnel, and cannot be assigned the roles of teacher's aides, group leaders or other similar positions.
- E. Foster grandparents are required to have 100% attendance in the following department's training courses: Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster Grandparents are not required to take competency exams. Online or instructor-led courses can be used to meet the 100% attendance requirement. Foster grandparents must **begin training** within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one

³⁵⁴ 65C-22.001(6), F.A.C., Section 7.4 Facility Handbook, 65C-22.008(4), F.A.C., and Section 6.3 School-Age Handbook

- year from the date of working in the child care industry in any licensed Florida child care facility.
- F. Foster grandparents are not considered child care personnel and therefore are not subject to the Department's screening requirements. Screening completed by the local foster grandparent program sponsoring agency is acceptable. Documentation of this screening must be maintained as part of the foster grandparents records at the facility. Documentation on the sponsoring agency's letter head that identifies the individual and states when the screening was completed is acceptable. However, if the sponsoring agency does not complete screening or is not able to provide proof of screening, the foster grandparent will need to be screened in the clearinghouse.

Files for Family Day Care Home Substitute(s)

The operator must have a written plan to provide at least one substitute, 18 years of age or older, to be available on a temporary/emergency basis.

- A. The substitute's information (including name, date of birth, telephone number, address, anticipated number of hours worked and whether this person substitutes for another home) must be provided on the CF-FSP Form 5133, Application to License a Family Child Care Home.
- B. The written plan must be kept current and include the name, address, telephone number of the substitute.
- C. Any changes to the plan must be reported to the licensing office within 5 working days.
- D. Substitutes may not work for the operator more than 40 hours per month on average over a six-month period in any single home for which they have been identified as the designated substitute.
- E. The operator must document the hours worked on a monthly basis. The operator must sign a statement attesting to the number of hours that the substitute works in the operator's home. The statement must be placed in the substitute's file.
- F. The operator must keep written record of the number of hours worked by the substitute and this documentation must be maintained for a 12-month period.

Chapter 16: Religious Exemption

Religious exempt child care providers in Florida are regulated by standards established by Religious Accrediting Agencies recognized by the Department. In order to be “recognized,” these agencies must publish and require compliance with standards for health, safety, and sanitation from those child care providers they accredit. Florida law states that, “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.”³⁵⁵ The Department’s regulatory authority relative to faith-based child care providers specifically relates to those programs not conducted during religious or church services and is limited to ensuring that these providers meet the requirements for religious exemption from licensure. In order to be exempt from licensure and exempt from the provisions of s. 402.301-.319, F.S. (except for the requirements regarding screening of child care personnel), a religious exempt child care program must meet **all** the following requirements:³⁵⁶

1. **Be owned and operated by a church or parochial school.**
2. **Be an integral part of that church or parochial school.** To establish that the program is “an integral part of” the church or parochial school, the following should be determined:³⁵⁷
 - **Is the program’s primary activity related to teaching religious beliefs?** According to a legal analysis of the issue by the Department’s General Counsel, in order to be an *integral* part of the church, the child care program must spread or teach the religious beliefs, doctrines, and rituals of the church.
 - **Is the program located on the property of a religious institution?** While most child care programs are located on the same property as the religious institution with which they are an integral part of, it is not a requirement that the program be located on the same property. It may be located on a different property and still be considered an *integral* part of the religious institution and be eligible to operate as a religiously exempt program if it meets all requirements and the property is owned, leased, or rented by the church or parochial school.
 - **Conduct regularly-scheduled classes, courses of study, or educational programs.**
 - **Be accredited by or a member of an organization that publishes and requires compliance with its standards for health, safety, and sanitation, and requires its members to meet the screening requirements of ss. 402.305 and 402.3055, F.S.** The Department reviews accrediting agencies and their standards to determine if they meet this

³⁵⁵ Section 402.301(5), F.S.

³⁵⁶ Section 402.316(1), F.S.

³⁵⁷ Formal Legal Opinion, “*Religious Exemptions for CCF’s*” (February 13, 2003).

requirement. See the next section entitled “**Accreditation**” for details regarding how to verify compliance with this requirement.

- **Is the program itself a for-profit or non-profit activity?** If the child care program is a *for-profit* enterprise, it may still be considered an *integral* part of the church or parochial school and be eligible to operate as a religiously exempt program if it meets all other requirements.

If any one of these conditions are not present, the Department may deny the exemption.³⁵⁸ Failure by a facility to comply with screening requirements shall result in the loss of the facility’s exemption from licensure.³⁵⁹

Accreditation

In order to be exempt from licensure, a faith-based child care program must be accredited by or a member of an organization that meets the following requirements:

1. The accrediting agency must have adopted and published accrediting standards relating to health, safety, and sanitation.
2. The accrediting agency must require the child care programs they accredit to comply with these standards and any local standards relating to health, safety, and sanitation.
3. The accrediting agency must require the child care programs they accredit to comply with the requirements of ss. 402.305 and 402.3055, F.S., relating to background screening.

In order to be “recognized” by the Department as a Religious Accrediting Agency, the accrediting agency must submit a copy of their published health and safety standards to the Department for review. Upon submission, Headquarters reviews the standards and procedures to ensure that they meet all of the above requirements. If so, the accrediting agency and its contact information will be added to the list of “Recognized Religious Accrediting Agencies” maintained by the Child Care Program Office.

Religious Exemption Process

60 Day Notification Letter

Beginning July 2011, all notifications of Child Care Facility Operation under the religious exemption from licensure allowance 402.316, F.S. were processed online. However as of February 2018 the paper process was re-enlisted for initials and renewals of religious exempt programs.

For renewals, the provider is to be notified of the need to renew their religious exemption at least **60** days prior to the expiration of the current exemption. If the provider does not submit the notification prior to the expiration of the annual statement, the child care office must issue a notice of expiration/closure to the program and contact the applicable regional field unit to make a site visit to determine whether the program continues to operate. If the program continues to operate without providing the documentation required for religious exemption, the provider must either pursue licensure or the child care office must conduct an unlicensed/illegal operation investigation and

³⁵⁸ Formal Legal Opinion, “*Religious Exemptions for CCF’s*” (February 13, 2003).

³⁵⁹ Section 402.316(1), F.S.

proceed as necessary (refer to **Chapter 12: Enforcement** for procedures regarding the suppression of illegal child care operations).

Granting a Religious Exemption

In order to apply to operate under religious exemption, a program must submit notification on an annual basis to include:

- **Notification of Religious Exempt Operation.**
- A copy of the program's current accreditation or membership certificate from a recognized accrediting organization.
- A completed **Attestation** of Compliance affirming that all covered employees have been cleared through Level 2 background screening.
- A notarized statement on church letterhead, notarized and signed by the leader (or head) of the church or parochial school (i.e.: pastor, reverend, priest) describing how the program is an integral part of the church parochial school.
- Upon receipt of a Religious Exemption Notification/Annual Statement, staff must verify that the notification is complete and that the accreditation certificate is current, from a recognized Religious Accrediting Agency, and has the appropriate designation. If so, staff assigned responsibility for religious exempt programs must update the provider's information in CARES. Staff in the program office also verify that the program is an integral part of the church ensuring the accuracy information received using online resources such as, but not included to, social media websites, online mapping services, Department of State Sunbiz/Division of Corporations, County property appraiser website, pictures, information received from Accrediting Agencies, staffings with church leaders and religious accrediting agencies, and applicant's website.



Important Information!

In some cases, it may be necessary to contact the accrediting agency to verify the validity of a provider's accreditation certificate. Look for the following designations when determining if a provider's accreditation is valid:

- **The Association of Christian Schools International (ACSI)** has 3 different levels of affiliation: membership, approval, and accreditation. "Membership" merely means that they are a dues paying member of the association. "Approval" means that the provider has met all the health and safety standards published by ACSI. "Accreditation" refers to the Gold Seal status of licensed and religious exempt child care facilities. Therefore, for purposes of religious exemption, a child care provider affiliated with **ACSI** that holds an **"approved" status** is exempt under s. 402.316, F.S.
- **Association of Christian Teachers and Schools (National) (ACTS-N)**
- **Christian Schools of Florida (CSF)**
- **Church of God Association of Christian Schools (CGACS)**

- **The Florida Association of Christian Colleges and Schools (FACCS)** issues three certificates. 1) a "Member/Participant Certificate" issued to all their member schools. This conveys only affiliation for services. 2) A "Certificate of Religious Exemption" issued only to those child care providers who annually comply with the published FACCS health, safety, sanitation, and minimum standards which meet or exceed Chapter 65C-22 F.A.C., fire codes, statement of sworn compliance by FDOE Office of School Choice for Scholarship Participation. This is notarized annually by the school. Therefore, for purposes of religious exemption, a child care provider affiliated with FACCS that holds a "**Certificate of Religious Exemption**" is exempt under s. 402.316, F.S. 3) A "Certificate of Accreditation" issued only to those schools that have complete an extensive self-study, had a site visit by an evaluation team, and have earned such status. The "Certificate of Religious Exemption" and the "Member/Participant Certificate" specifically state they are not accreditation certificates. All certificates provide an annual expiration date and are updated annually. Unless a school has a Certificate of Religious Exemption, it is not exempt even if it is accredited.
- **Florida Catholic Conference (FCC)**
- **The Florida Coalition of Christian Private Schools Association (FCCPSA)** offers religious exempt accreditation certificates to child care providers by way of annual inspections. The Certificate of Inspection/Accreditation issued by FCCPSA demonstrates the commitment of the child care facility to ensure a healthy and safe environment for the children and that the proper background screenings are conducted. FCCPSA's accreditation requirements are met through on-going inspections to prevent the substandard operation of a child care program.
- **Florida Kindergarten Council (FKC)**
- **The Florida League of Christian Schools (FLOCS)** has a religious exempt accreditation process; however, a provider may choose to be a member of FLOCS and not become accredited. In either case, FLOCS ensures that minimum health and safety standards are met and that the appropriate background screening is being conducted. For that reason, for purposes of religious exemption, a child care provider associated with FLOCS may either have "**member**" or "**accredited**" designated on their FLOCS certificate.
- **Green Apple Association of Christian Schools (GAACS)** has religious exemption approval process. Membership does not grant the child care program authority to operate under religious exempt s. 402.316, F.S. A child care program may be approved to operate as a religious exempt facility after meeting background screening requirements and compliance with GAACS minimum health, safety, and sanitation standards. Therefore, an approved religious exempt child care program holds a "religious exempt approval" certificate. GAACS also provides an accreditation process. Accredited schools have met the minimum health, safety, and sanitation standards for religious exempt childcare programs and additional accreditation guidelines. Therefore, an accredited school also may use their "Early Education Center Accreditation" certificate for religious exempt purposes.
- **Narrow Door Pentecostal (NDP)**
- **National Accreditation Board of Merkos L'Inyonei Chinuch**
- **National Accreditation of Christian Private Schools (NACPS)**
- **National Association for Christian Education (NACE)**
- **National Association for the Education of Young Children (NAEYC)**
- **National Lutheran School Accreditation Florida-Georgia District (NLSA - FLGA)**
- **New Beginnings Christian Center Accreditation (NBCCA)**
- **Nicene Schools International, Inc. (NSII)**
- **Sonshine Association of Christian Schools (SAACS)**

Voluntary and Mandatory Licensure

Voluntary Licensure

Any faith-based child care program that is eligible for exemption, that desires to be licensed instead, is authorized to do so. Per statute, once licensed, a religious exempt program cannot withdraw from licensure and instead operate as a license-exempt program.³⁶⁰ However, after discussion with Religious Accrediting Agencies, there was mutual agreement that at the end of a licensure period, if a voluntary licensed program chooses to be religious exempt and it is not for the purpose of avoiding licensure due to noncompliance with licensing requirements, they may do so. **The Department may deny a religious exemption if the provider has a history of disciplinary action and/or is pending disciplinary action. This includes any violations committed before the end of the current licensing period that require disciplinary action.**

Mandatory Licensure

Any faith-based programs that were required to be licensed by any county or city with state or local child care licensing programs in existence on July 1, 1974, will continue to be required to be licensed, until and unless the licensing agency decides to exempt them.³⁶¹

Complaints Regarding Religious Exempt Facilities

Religious exempt child care facilities in Florida are regulated by standards established by Religious Accrediting Agencies recognized by the Department. In order to be “recognized” as a Religious Accrediting Agency for the purpose of exemption from licensure, the Religious Accrediting Agency must establish standards that contain provisions for health, safety and sanitation. They must then require the child care facilities they accredit to comply with these published standards and any local standards for health, safety, and sanitation of the county in which the program is located.

The Religious Accrediting Agency must also include in its standards requirements for the background screening of child care personnel working in the programs they accredit. The Religious Accrediting Agency is responsible for ensuring that the programs it accredits comply (on an on-going basis) with the standards mentioned above. As such, when licensing staff receive complaints about a religious exempt program, the following procedures must be followed:

Background Screening

Complaints to the Department alleging a violation of background screening requirements for child care personnel in a religious exempt child care program will require an **on-site** review and verification of the following by licensing staff:

- The name and address of the religious exempt provider
- The name of the current facility director
- The name of the Religious Accrediting Agency that accredits the provider
- That the Department is in receipt of a current “Religious Exemption from Licensure Annual Statement” submitted by the provider and maintained by the Program Office

³⁶⁰ Section 402.316(3), F.S.

³⁶¹ Section 402.316(2), F.S.

- That the required background screening documentation is maintained by the religious exempt provider for each employee

If the results of the on-site review find the provider records in compliance with background screening requirements pursuant to sections 402.305 and 402.3055, F.S., then no additional follow-up is required. The on-site review findings shall be documented in the Religious Exemption from Licensure complaint report on the licensing counselor's laptop with a copy provided to the facility director and then archived after supervisory review. A copy of the findings will be provided to the Child Care Program Office's Policy Unit and must be maintained in the electronic file on the P drive.

If the on-site review findings indicate that the provider is non-compliant with background screening requirements:

1. The licensing counselor will provide technical assistance to the facility director about screening requirements, including an explanation of the process for completion, contact information for the Department's screening unit, and a corrective action plan. In regard to corrective action, child care personnel found to be out of compliance with BGS requirements will be allowed to continue working until the end of the work day, however, they will not be allowed to return to the facility until they have been cleared through level 2 screening.
2. A summary of the complaint, the on-site review findings, technical assistance provided, a corrective action plan and due date must be documented in the Religious Exemption from Licensure complaint report and a copy shall be provided to the facility director and to the Child Care Program Office's Policy Unit.
3. The Child Care Program Office's Policy Unit will review the findings and within 3 days of receipt, shall provide the Religious Accrediting Agency documentation of the screening deficiencies, technical assistance provided, and the corrective action required.

When compliance is achieved, documentation must be completed in a Re-inspection Report and no further action will be required.

If the religious exempt provider fails to meet the corrective action requirements for screening deficiencies, the licensing unit will immediately provide the Child Care Program Office's Policy Unit with an updated summary (Re-inspection Report), including the facility director's actions and statements regarding the deficiencies.

The Child Care Program Office's Policy Unit will formally request that the Religious Accrediting Agency intervene with the provider to achieve compliance with the statutory screening requirements for child care personnel. Continued failure by the religious exempt provider to correct the deficiencies will result in the Child Care Program Office's Policy Unit collaborating with regional licensing and legal staff to initiate an enforcement action against the provider. Copies of legal documentation related to the Department's proceedings shall be provided to the Religious Accrediting Agency by the Child Care Program Office's Policy Unit.

All Other Standards

If licensing staff receive a complaint about a facility with religious exempt status on other issues not related to background screening, (e.g., too many children in care or staff not trained), staff will direct the caller/complainant to the Religious Accrediting Agency directly, by providing the name of the Accrediting Agency and contact information. It should be explained to the caller/complainant that it is the Accrediting Agency's responsibility to ensure the facilities they accredit comply with their standards and the Department does not have any jurisdiction to investigate these complaints.

Licensing staff shall document the details of the complaint and provide a copy to the Religious Accrediting Agency to ensure the report was received. **A copy of all complaints shall also be forwarded to the Policy Unit.**

If the complaint involves an environmental health or fire safety issue, the same procedure must be followed by licensing staff, directing the complainant to the appropriate Religious Accrediting Agency, and providing a copy of the documentation to that agency and to the applicable local environmental health or fire inspection unit.

Allegations of Child Abuse or Neglect

When a complaint is received by licensing staff alleging child abuse or neglect, the complainant must be directed to the Department's Central Abuse Hotline by providing contact information. In all cases, licensing staff shall document the details provided by the complainant and contact the Central Abuse Hotline to ensure that the report information was received. Child abuse investigation staff located in the region where the incident occurred will conduct an on-site investigation of each report received by the Central Abuse Hotline pursuant to Chapter 39.302, F.S. **Licensing staff shall accompany child protective investigation staff whenever possible.** Child abuse and neglect investigation findings are confidential and will not be released to a Religious Accrediting Agency. However, if there are verified findings and the Department, through the child care licensing unit, takes an action to revoke the provider's religious exemption from licensure, the appropriate Religious Accrediting Agency will be notified of the action.

If other issues, in addition to child abuse and neglect are alleged in the complaint, these allegations are to be handled as described in the section above titled "**All Other Standards**". Prior to communicating with the Religious Accrediting Agency about the "other issues" raised in conjunction with the abuse/neglect allegations, contact must be made with the child protection investigator to confirm that sharing the information will not compromise the ongoing abuse/neglect investigation.

Chapter 17: Supervision

Supervision is defined as having the primary responsibility for watching and directing the activities of the children in care and responding to the needs of each child. Some types of care and some situations require direct supervision while others require that the child care provider maintain responsibility for the safety of the children in their care while not necessarily maintaining “direct” supervision. In determining the provider’s compliance with the licensing standard for supervision, licensing counselors should consider the following factors:

- The staff-to-child ratio
- The minimum age of the person in charge
- The minimum age of staff and volunteers
- Audible and visual contact
- Observing child interaction
- Directing and re-directing activities

Child Care Facilities

Child care staff who are counted in the staff-to-child ratio have primary responsibility for the *direct supervision* of children. In a child care facility, direct supervision is defined *actively watching and directing children’s activities within the same room or designated outdoor play area, during transportation, any activity outside of the facility, and responding to the needs of each child while in care*. Child care staff in a licensed child care facility must provide direct supervision to a specific, assigned group of children and be present with that group of children at all times.³⁶²

Children must never be left inside or outside the facility, in a vehicle, or at a field trip location by themselves. A program is responsible for the supervision of a child until an authorized individual retrieves the child from the program, verified by photo identification. Each child transported must be dropped at the designated location as agreed upon by the provider and the custodial parent/legal



Recommended practice...

When discussing the intended use of each room with the provider during the indoor and outdoor capacity determination, it would be appropriate to discuss issues relating to supervision. How will the room layout affect the provider’s ability to effectively supervise the children? Discuss supervision as it relates to the room’s intended use.



Important Information!

A classroom can be well within ratio, but out of control. This type of situation often leads to supervision issues.

³⁶² 65C-22.001(5)(b), F.A.C

guardian and released to an authorized individual. Supervision is basic to safety and the prevention of injury and maintaining a quality program ³⁶³

During outdoor play, staff should locate themselves in the outdoor play area so that all children can be observed and provided direct supervision. Child care staff should not cluster together on the playground, but should circulate and check for “blind” spots.

During meal time, children shall be individually fed or supervised appropriately for their age and developmental abilities, to monitor the size of food and that the children are eating accordingly. There shall be no propped bottles. If a child cannot hold the bottle, a staff person or volunteer must hold the bottle during feeding. Children are not to be left in high chairs or feeding chairs outside of feeding times. Safety straps are required when children are in high chairs. There shall be no automatic feeding devices unless medically prescribed and documented in the child’s file.³⁶⁴

During daily activities, children shall not be left in confining devices such as car seats as an alternative to active play or adult/child interaction, supervision, or discipline.³⁶⁵

Any child who has been placed in an isolation area due to illness must be within sight and hearing of a staff person at all times and must be closely monitored for signs of worsening conditions.³⁶⁶

Licensing counselors should give technical assistance to providers about supervision when appropriate. They should encourage child care staff to interact with the children in their care and to continually scan their group of children, even while attending to one child within that group. By interacting with and observing children’s interactions and behaviors, child care staff may be able to detect causes for hitting/biting and redirect this behavior before the situation escalates.

During evening child care hours, staff must remain awake at all times. When children are awake, direct supervision as defined in 65C-22.001(5)(b), F.A.C., must be provided. Staff must **actively** watch and direct the children’s activities within the same room or designated outdoor play area and respond to each child’s needs. When children are sleeping, supervision as defined in the Child Care Facility Handbook, Section 2.4.2 Nap Time Supervision must be provided. Sufficient staff must be in close proximity and within sight and hearing of all of the children. All other staff necessary to meet the required staff-to-child ratio must be within the same building on the same floor and be readily available if summoned.³⁶⁷ Nap time supervision does not apply to children up to 24 months of age, who must have direct supervision at all times.

At all times, lighting within the facility must allow personnel to visually observe and supervise all children while in care. ³⁶⁸

A telephone or other means of instant communication must be available to staff responsible for children during all field trips, including walking field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.³⁶⁹

³⁶³ 65C-22.001(6), F.A.C. and Section 2.4. Facility Handbook

³⁶⁴ 65C-22.001(6), F.A.C. and Section 2.4.4 Facility Handbook

³⁶⁵ 65C-22.001(6), F.A.C. and Section 2.6 Facility Handbook

³⁶⁶ 65C-22.001(6), F.A.C. and Section 6.1.1 Facility Handbook

³⁶⁷ 65C-22.001(6), F.A.C. and Section 2.4.2 Facility Handbook

³⁶⁸ 65C-22.001(6), F.A.C. and Section 3.3.1 Facility Handbook

³⁶⁹ 65C-22.001(6), F.A.C. and Section 2.7 Facility Handbook

Exceptions

- **Naptime supervision.** During naptime, “supervision” requires staff be in close proximity (within sight and hearing of all of the children)^{.370} Staff who are counted towards meeting the required staff-to-child ratio must be within the same building and on the same floor as the children assigned to their care, and be readily available if summoned. The exception to the direct supervision requirement during naptime does not apply to children who are younger than 24 months of age, who must always be directly supervised by the required staff-to-child ratio .³⁷¹
- **Bathroom supervision.** Direct supervision is not necessarily required. Instead, children must receive supervision and assistance as required by their age and required needs. They must be accounted for at all times while bathing and toileting. ³⁷²
- **School-age supervision.** When caring for school-age children, rather than providing direct supervision, child care personnel must know where the children are and what they are doing at all times and capable of responding to emergencies including when children are separated from their group. ³⁷³ At all times, lighting must allow child care personnel to see and supervise children while in care.



Frequently Asked Question

Question: What does “readily available” mean?

Answer: Staff can easily hear and respond to a verbal call by the person needing help in an emergency.

Additional Supervision

- **Field trips.** 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. The individual could be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained staff member.³⁷⁴
- **Transportation and Safety.** Every time a child care program transports children, the following must occur:
 - A. A log must be maintained for all children being transported in a vehicle or on foot away from the premises of the child care facility. The log must include:
 1. Each child’s name,
 2. The date and time of departure,
 3. Time of arrival at the destination,
 4. The signature of the driver (or in the case of travelling on foot, the signature of the child care personnel), and

³⁷⁰ 65C-22.001(5)(b), F.A.C.

³⁷¹ 65C-22.001(5)(b), F.A.C.

³⁷² 65C-22.001(6), F.A.C. and Section 3.7 Facility Handbook

³⁷³ 65C-22.001(6), F.A.C. and Section 2.4.1 Facility Handbook

³⁷⁴ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

5. The signature of a second staff member or person(s) authorized by the provider to verify the transportation log and that all children have arrived safely and left the vehicle (if applicable).
- B. Prior to transporting children, the transportation log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.
 - C. Upon arrival at the destination by vehicle or by foot, the child care personnel must record, sign and date the transportation log immediately, verifying that all children were accounted for. The same must occur immediately upon returning to the facility premises.
 - D. Upon arrival at the destination by vehicle, the driver of the vehicle must:
 - Mark each child off the log as the child departs the vehicle;
 - Conduct a physical inspection and visual sweep of the vehicle interior to ensure that no child is left in the vehicle; and
 - Record, sign, and date the transportation log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.
 - Ensure that a second staff member signs and dates the transportation Log verifying that all children were accounted for, and that the log is complete.
 - E. Upon arrival at the destination by vehicle, a second and different staff member must:
 1. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 2. Sign, date and record the transportation log immediately, verifying that all children were accounted for, and that the log is complete.
- **Water Activity Supervision.** 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 following requirement must be met:
 - a) One certified lifeguard or equivalent must be on duty and present during the swimming activity when any children are in the swimming area.
 - b) In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent (meaning the person is employed by the facility), that person can serve as the additional adult **present on all field trips away from the child care facility to assist in providing direct supervision.**
 - c) Wading pools are prohibited.
 - d) Constant and active supervision must be maintained when any child is in or around water. During water play activities, the supervising adult must be within an arm's length providing "touch supervision".
 - **School-age children in unfenced outdoor play area.** When caring for school-age children in a child care facility, if the provider has been granted an exemption from the fencing requirement, an additional staff member must be present at all times during outdoor activities (in addition to

the required staff-to-child ratio and for safety purposes) to assist in providing direct supervision.³⁷⁵

Supervision is a critical component of child safety. As stated above, there are certain times and circumstances in which additional assistance is required to ensure that the needed eyes, ears, and hands are available to direct and respond to children in situations beyond the normal routine of the child care program. *Be sure that the provider understands the purpose and importance of these added adults.* The added adults may be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained staff member of the program.

When a child care facility that utilizes an area away from the facility or on a field trip that is subject to use persons outside of the program and does not allow the program to have exclusive control of such area, the children must be under direct supervision (within sight and sound) of a screened and trained staff member.

Minimum Age Requirements

The following minimum age requirements apply to staff that are responsible for the direct supervision of children in a child care facility:

- A person under the age of 21 may not be the director/operator of a child care facility.³⁷⁶
- In the absence of the director/operator, there must be a staff person who is at least 21 years of age in charge of the facility and on the premises during operating hours.³⁷⁷
- A person under 16 years of age may not be employed at a child care facility unless he or she is under direct supervision and is not counted for the purposes of computing the staff-to-child ratio.³⁷⁸ A person under 16 years of age may not be solely responsible for the direct supervision of children.



Frequently Asked Question

Question: Can a 16-year-old supervise?

Answer: Yes. While they may not be the operator or left in charge of the facility, they may supervise in a classroom with no adults present. They must also meet the same background screening and training requirements for all child care personnel.

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 their ability to provide supervision and safe child care.³⁷⁹

School-Age Child Care Programs

When caring for school-age children, rather than being required to provide direct supervision, child care staff are instead required to be **responsible** for the supervision of the children in care, capable of responding to emergencies, and accountable for the children at all times, including when children are separated from their groups. Supervision should be compatible with the age and developmental level of the children. However, children should not be allowed to go to another building on the

³⁷⁵ 65C-22.001(6), F.A.C. and Section 3.5.1 Facility Handbook

³⁷⁶ Section 402.305(2)(c), F.S.

³⁷⁷ 65C-22.001(6), F.A.C. and Section 2.2 Facility Handbook

³⁷⁸ Section 402.305(2)(c), F.S.

³⁷⁹ 65C-22.001(6), F.A.C. and Section 2.4.1 Facility Handbook

campus without direct supervision or a plan in place to ensure their safety. Often in large school-age settings, there may be other individuals on campus that are not part of the every day program. This should be factored into the program's plan for ensuring the safety of children in care.

Additional Supervision

- **Unfenced outdoor play area.** In addition to the required staff-to-child ratio and for safety purposes, if the provider has been granted an exemption from the fencing requirement, an additional staff member must always be present during outdoor activities to assist in providing direct supervision.³⁸⁰
- **Field trips.** 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.³⁸¹
- **Transportation and Safety.** Every time a child care program transports children, the following must occur: A log must be maintained for all children being transported in the vehicle. The log must include each child's name, date, time of departure, time of arrival, the signature of the driver, and the signature of a second staff member or person(s) authorized by the parent to verify the driver's log and that all children have left the vehicle.³⁸²
 - a) Prior to transporting children, the transportation log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.
 - b) Upon arrival at the destination, the driver of the vehicle must:
 - ✓ Mark each child off the log as the child departs the vehicle
 - ✓ Conduct a physical inspection and visual sweep of the vehicle interior to ensure that no child is left in the vehicle; and
 - ✓ Record, sign, and date the transportation log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.
 - ✓ Ensure that a second staff member signs and dates the Transportation Log verifying that all children were accounted for, and that the log is complete.
 - c) Upon arrival at the destination, a second and different staff member must:
 - ✓ Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 - ✓ Sign, date and record the driver's log immediately, verifying that all children were accounted for, and that the log is complete
- **Swimming activities.** 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 following requirement must be met:
 - One certified lifeguard (or the equivalent) must be on duty and present during the swimming activity when any children are in the swimming area.³⁸³

³⁸⁰ 65C-22.008(4), F.A.C. and Section 3.5.1 School-Age Handbook

³⁸¹ 65C-22.008(4), F.A.C. and Section 2.4, 9 School-Age Handbook

³⁸² 65C-22.008(4), F.A.C. and Section 2.5.2 School-Age Handbook

³⁸³ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

- In situations where the school-age child care program must provide one person with a certified lifeguard certificate or equivalent, that person can serve as the additional adult present on all field trips away from the school-age program to assist in providing supervision, as long as the person is an employee of the program.

A program must not release a child to any unauthorized individual. All individuals authorized to pick up a child must be identified in writing by the custodial parent or legal guardian to the program, and the program must verify using picture identification. Identification is required on a continuous basis or until staff become familiar with the people picking up the children.

A telephone or other means of instant communication must be available to staff responsible for children during all field trips/transportation activities. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

Minimum Age Requirements

- A person under the age of 21 may not be the operator/director of a school-age child care program.³⁸⁴
- In the absence of the director/operator, there must be a staff person at least 21 years of age in charge of the school-age child care program. This person must always be on the premises during operating hours.³⁸⁵
- A person under 16 years of age may not be employed at a school-age child care program unless he or she is under direct supervision and is not counted for the purposes of computing the [staff-to-child ratio](#).³⁸⁶ A person under 16 years of age may not be solely responsible for the direct supervision of children.

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.³⁸⁷

Licensed Family Day Care Homes

The standard for supervision is different in a licensed family day care home. Rather than providing direct supervision, the operator of a licensed family day care home is **responsible** for supervising the children in care and capable of responding to emergencies and the needs of the children at all times. The operator or substitute should directly supervise children, both indoors and outdoors, by sight and sound. Children must never be left inside or outside the home, in a vehicle, or at a field trip location by themselves.

If, however, the licensed family day care home is also a School Readiness contracted provider, the standard for supervision is **direct supervision**, defined as "actively watching and directing

³⁸⁴ Section 402.305(2)(c), F.S.

³⁸⁵ 65C-22.008(4), F.A.C. and Section 2.2 School-Age Handbook

³⁸⁶ Section 402.305(2)(c), F.S.

³⁸⁷ 65C-22.008(4), F.A.C. and Section 2.4 School-Age Handbook

children's activities within the same room or designated outdoor play area, and responding to the needs of each child."³⁸⁸

At all times and appropriate for the activity, lighting in the home must be sufficient to allow for safe movement and egress, and permit the operator to visually observe and supervise children in care.³⁸⁹

Children may only be released to adults authorized by parents or legal guardians as indicated on the enrollment form obtained during the enrollment process. Prior to releasing a child, the identification of the individual picking up must be verified by photo identification and be confirmed as an authorized adult for pickup.³⁹⁰

Additional Supervision Requirements

- **Naptime.** Bedroom doors must remain open while children are napping or sleeping. When children are napping or sleeping, the operator or substitute may supervise by sound with frequent visual checks.³⁹¹ The use of baby monitors and video cameras may be utilized to assist in supervising children. This level of supervision is due to the nature of the family day care operation. For example, it is considered appropriate for the operator to prepare lunch while caring for children as long as he or she remains capable of responding to the children's needs.

During evening hours, the operator of a family day care home is allowed to sleep while the children are sleeping; however, during this time, the operator is still responsible for the supervision of the children in care and must be capable of responding to emergencies and the needs of the children.

- **Diapering and changing clothes.** Children must always be attended to while being diapered or when changing clothes. Children must receive supervision as required by their age or required needs when toileting or bathing. A safety strap or harness should not be used on the diaper changing table/surface. A child shall never be left unattended on a table or countertop.³⁹²
- **Isolation area.** Any child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.³⁹³
- **Meal time.** During feeding times, children must be individually fed and provided their own tableware. Children must be supervised appropriately for their ages and developmental abilities, to monitor the size of food and that children are eating accordingly. Infants must be held for bottle feedings until they are developmentally ready to sit in an age appropriate chair with good head control. There must not be any propped bottles. If a child cannot hold the bottle, the operator, substitute or employee must hold the bottle during feeding.³⁹⁴
- **Water Activity Supervision.** If a family day care home uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the following requirement must be met:

³⁸⁸ 65C-20.008(6), F.A.C. and Section 4 FDCH/LFCCH Handbook

³⁸⁹ 65C-20.008(6), F.A.C. and Section 7.12 FDCH/LFCCH Handbook

³⁹⁰ 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook

³⁹¹ 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook

³⁹² 65C-20.008(6), F.A.C. and Section 6, E & G. FDCH/LFCCH Handbook

³⁹³ 65C-20.008(6), F.A.C. and Section 6, D. FDCH/LFCCH Handbook

³⁹⁴ 65C-20.008(6), F.A.C. and Section 6, F & L. FDCH/LFCCH Handbook

1. Constant and active supervision is required when any child is in or around water, including bathing and swimming activities. During wading and/or water play activities on site or during a field trip, the operator or substitute must be within an arm's length providing "touch supervision".³⁹⁵
 2. If the family day care home uses a swimming pool that exceeds three feet in depth at the family day care home site, one person who has completed a basic water safety course such as one offered by the American Red Cross, YMCA, or other organization, must be present (during the swimming activity) when children have access to the swimming area.³⁹⁶
 3. If the home uses swimming pools not at home site or takes the children to water areas such as a beach or lake for swimming activities, the home operator must provide one person with a certified lifeguard or the equivalent who must be on duty and present during the swimming activity when children are in the swimming area, unless a certified lifeguard is on duty.³⁹⁷
 4. Wading pools are prohibited.³⁹⁸
- **Transportation and Safety.**³⁹⁹ A log must be maintained for all children being transported in the vehicle or on foot away from the premises of the home. The log must be retained for a minimum of 12 months. The log must include each child's name, date, time of departure, time of arrival and the signature of the driver verifying all children were accounted for during the visual sweep.
 - A. Prior to transporting children, the transportation log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.
 - B. Upon arrival at the destination, the driver of the vehicle must:
 1. Mark each child off the log as the child departs the vehicle;
 2. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 3. Record, sign, and date the transportation log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.

Supervision is a critical component of child safety. As stated above, there are certain times and circumstances in which the standard requirement varies to ensure the safety of the children in care. Be sure that the operator understands the importance of these added requirements.

Minimum Age Requirements

- The operator of a licensed family day care home must be at least 18 years of age.⁴⁰⁰
- A person serving as a substitute in a licensed family day care home must also be at least 18 years of age.⁴⁰¹

³⁹⁵ 65C-20.008(6), F.A.C. and Section 6, H. FDCH/LFCCH Handbook

³⁹⁶ 65C-20.008(6), F.A.C. and Section 7.7, H. FDCH/LFCCH Handbook

³⁹⁷ 65C-20.008(6), F.A.C. and Section 7.7, I. FDCH/LFCCH Handbook

³⁹⁸ 65C-20.008(6), F.A.C. and Section 7.7, G. FDCH/LFCCH Handbook

³⁹⁹ 65C-20.008(6), F.A.C. and Section 2.4.2 FDCH/LFCCH Handbook

⁴⁰⁰ 65C-20.008(6), F.A.C. and Section 3.1 FDCH/LFCCH Handbook

⁴⁰¹ 65C-20.008(6), F.A.C. and Section 3.2 FDCH/LFCCH Handbook

No person shall be an operator, substitute, or employee in a home 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.⁴⁰²

Large Family Child Care Homes

In a large family child care home, direct supervision must always be maintained during the hours of operation. Direct supervision means watching and directing children's activities and responding to each child's needs.⁴⁰³ Large family child care homes must meet all the licensing requirements for family day care homes plus additional requirements specified in law or rule.



Recommended practice...

Children should have direct supervision when handling animals.

Additional Supervision Requirements

- **Naptime.** While children are napping or sleeping in bedrooms, the bedroom doors must remain open in order to provide adequate supervision. During napping/sleeping, direct supervision means being within sight and sound of a child with frequent visual checks.⁴⁰⁴
- **Field trips.** In addition to the number of staff necessary to meet the required staff-to-child ratio, if there are more than six preschoolers participating in a field trip away from a large family child care home, there must be one additional adult present per each six preschoolers, or any fraction thereof, to assist in providing direct supervision of the children. If some children remain in the home during the field trip, the adult supervision staff-to-child ratios as required in Section 402.302(11), F.S., shall apply and must be maintained both at home and on the field trips. At no time shall the total number of children (in care) exceed capacity as defined in Section 402.302(11), F.S.⁴⁰⁵
- **Transportation and Safety.**⁴⁰⁶ A log must be maintained for all children being transported in the vehicle or on foot away from the premises of the home. The log must be retained for a minimum of 12 months. The log must include each child's name, date, time of departure, time of arrival and the signature of the driver verifying all children were accounted for during the visual sweep.
 - A. Prior to transporting children, the transportation log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.
 - B. Upon arrival at the destination, the driver of the vehicle must:
 1. Mark each child off the log as the child departs the vehicle;
 2. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 3. Record, sign, and date the transportation log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.

⁴⁰² 65C-20.008(6), F.A.C. and Section 6, C. FDCH/LFCCH Handbook

⁴⁰³ 65C-20.008(6), F.A.C. and Section 1.2 FDCH/LFCCH Handbook

⁴⁰⁴ 65C-20.008(6), F.A.C. and Section 6, B. FDCH/LFCCH Handbook

⁴⁰⁵ 65C-20.008(6), F.A.C. and Section 6, N. FDCH/LFCCH Handbook

⁴⁰⁶ 65C-20.008(6), F.A.C. and Section 2.4.2 FDCH/LFCCH Handbook

In addition to the transportation log requirements above, the home employee or person(s) authorized by the large family child care home operator must:

- C. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
- D. Sign, date and record the transportation log immediately, verifying that all children were accounted for, and that the log is complete.

Additionally, for large family child care home, when one staff member takes some children on a field trip and one staff member remains on the premises with the remainder of the children in care, the operator or employee transporting children is totally responsible for the care and supervision of those children.

If the home provides services to drop children off at different locations, the driver must ensure to drop the child off at the appropriate location. Each child transported must be dropped at the designated location and released to an authorized individual as agreed upon by the provider and the custodial parent/legal guardian.⁴⁰⁷

When transporting children in a vehicle or on foot, a telephone or other means of instant communication must be available to staff. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communications are acceptable.⁴⁰⁸

- **Water Activity Supervision.** If a large family child care home uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the following requirement must be met:
 1. Constant and active supervision is required when any child is in or around water, including bathing and swimming activities. During wading and/or water play activities on site or during a field trip, the operator or substitute (or employee) must be within an arm's length providing "touch supervision".
 2. If the home uses a swimming pool that exceeds three feet in depth at the family day care home site, one person who has completed a basic water safety course such as one offered by the American Red Cross, YMCA, or other organization, must be present (during the swimming activity) when children have access to the swimming area.
 3. If the home uses swimming pools not at home site or takes the children to water areas such as a beach or lake for swimming activities, the home operator must provide one person with a certified lifeguard or the equivalent who must be on duty and present during the swimming activity when children are in the swimming area, unless a certified lifeguard is on duty.
 4. Wading pools are prohibited.

Supervision is a critical component of child safety. As stated above, there are certain times and circumstances in which additional assistance is required to ensure the needed eyes, ears, and hands are available to direct and respond to the children in situations beyond the normal routine of the child care program. Be sure that the operator understands the importance of these added adults

⁴⁰⁷ 65C-20.008(6), F.A.C. and Section 6, I. FDCH/LFCCH Handbook

⁴⁰⁸ 65C-20.008(6), F.A.C. and Section 6, J. FDCH/LFCCH Handbook

and additional requirements. ***Also, the added adults may be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained staff member of the program.***

Minimum Age Requirements

- The operator of a large family child care home must be at least 21 years of age.⁴⁰⁹
- The full-time employee of a large family child care home must be at least 18 years of age.⁴¹⁰
- A substitute for the operator or employee or both must be at least 18 years of age.⁴¹¹

No person shall be an operator, substitute, or employee in a large family child care home while using or under the influence of narcotics, alcohol, or other drugs that impair their ability to provide supervision and safe child care.⁴¹²

⁴⁰⁹ 65C-20.008(6), F.A.C. and Section 3.1 FDCH/LFCCH Handbook

⁴¹⁰ 65C-20.008(6), F.A.C. and Section 3.3 FDCH/LFCCH Handbook

⁴¹¹ 65C-20.008(6), F.A.C. and Section 3.2 FDCH/LFCCH Handbook

⁴¹² 65C-20.008(6), F.A.C. and Section 6, C. FDCH/LFCCH Handbook

Chapter 18: Training Requirements

Child care training is an essential component of the licensing program. The goal of the training program is to provide child care personnel with the tools necessary to ensure quality care in child care programs. To accomplish this task, the Department mandates minimum introductory training requirements along with annual continuing education for professional development.

Child care training is required by Florida Statute.⁴¹³ Prior to January 1, 2004, child care personnel were not required to pass of a competency examination (exam) in order to successfully complete the 40-clock-hour Introductory Child Care Training modules and the 30-clock-hour Family Child Care Home Training.⁴¹⁴ In addition to requiring training, in 2002, the statutes were amended to require passage of a competency examination (exam) in order to successfully complete the 40-clock-hour Introductory Child Care Training modules and the 30-clock-hour Family Child Care Home Training.⁴¹⁵ The exams are offered a minimum of two Saturdays per month by each of the Training Coordinating Agencies (TCAs) responsible for administering the exams. Information on training requirements, available courses, registration, locations of the local training coordinating agencies, and access to training transcripts is available on the Child Care Program website at: www.myflorida.com/childcare and by clicking on the “Training and Credentialing Information” link.

Licensing staff also have “view only” access to the management portion of the Child Care Training System (a component of the Child Care Information System) through the single point login function. This site allows staff to view student records, records related to a specified Training Coordinating Agency's training schedule, and Director Credential reports.

Child Care Facility Training Requirements

40-clock-hour Introductory Training Requirement

All child care facility personnel must **begin** the 40-clock-hour Introductory Child Care Training within 90 days of employment in the child care industry.⁴¹⁶ The begin date for training is either the initial date an individual commences classroom or online training in a department-approved training course, receives an educational exemption from a department-approved training course, or receives results from a department-approved competency examination, whichever date is earlier.⁴¹⁷

⁴¹³ Sections 402.305(2)(d)1.-4., 402.313(4) – (6), and 402.3131(3) – (5), F.S.

⁴¹⁴ 65C-22.001(6), F.A.C., Section 4.2.1 Facility Handbook, 65C-20.008(6), F.A.C., and Section 5.1.1 FDCH/LFCCH Handbook

⁴¹⁵ Sections 402.305(2)(d)1., 402.313(4), and 402.3131(3), F.S.

⁴¹⁶ Section 402.305(2)(d)1., F.S., 65C-20.008(6), F.A.C., Section 1.2, and Section 4.1 Facility Handbook

⁴¹⁷ 65C-22.001(6), F.A.C. and Section 4.1 Facility Handbook

All child care personnel must **successfully complete** training within 12 months from the date training begins and may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care facility.⁴¹⁸ Successful completion of the training is evidenced through passage of a competency examination with a weighted score of 70 or better. Child care personnel who completed the mandatory 40-clock-hour Introductory Child Care Training prior to January 1, 2004 are not required to fulfill the competency examination requirement.

The introductory child care mandated training program for all child care facility personnel is separated into two parts. Child care personnel must complete all the Part I courses and either one 10-hour Part II course or two 5-hour Part II courses. Child care facility personnel employed at the same child care facility with the same employer prior to October 1, 1992, are only required to complete Part I unless there is a change in employment.⁴¹⁹ If staff leaves the child care industry in compliance and returns after new requirements have been passed, child care providers will be given 90 days to come into compliance with any new mandated training requirements established during the gap in employment in the child care industry.⁴²⁰ Staff that leave the child care industry not in compliance with the training requirements must complete required training, including any new mandated training requirements that may have been established during the gap in employment in the child care industry, prior to re-employment.⁴²¹

Child care personnel in compliance with the school-age requirements in 65C-22.008(4)(c), F.A.C., shall be considered in compliance with the child care personnel training requirements.⁴²²

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.

Substitutes in child care facilities are considered to be persons filling in for regular qualified/trained child care personnel who are directly responsible for supervising a specific group of children and are included in the staff-to-child ratio. Therefore, a substitute temporarily replacing child care personnel will be required to have the same training.

- “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 are required to have 100% attendance in the following department’s training courses: Child



Frequently Asked Question

Question: An employee does not complete the state mandated training within a year. The facility is cited as being in non-compliance with this requirement. However, the director wants to keep this employee. Is the facility going to be out of compliance for as long as the employee remains?

Answer: The facility is out of compliance as long as it continues to employ a person who has not completed the required training within the required timeframe. Licensing staff would exercise progressive enforcement in the same manner as they would if the provider were in non-compliance with any other standard. However, the facility could move the individual into another role, such as a bookkeeper, that did not require training.

⁴¹⁸ Section 402.305(2)(d)1., F.S., and 65C-22.003(2)(a)1, F.A.C.

⁴¹⁹ 65C-22.001(6), F.A.C. and Section 4.4.3 Facility Handbook

⁴²⁰ 65C-22.001(6), F.A.C. and Section 4.3 A. Facility Handbook

⁴²¹ 65C-22.001(6), F.A.C. and Section 4.3 B. Facility Handbook

⁴²² 65C-22.001(6), F.A.C. and Section 4. Facility Handbook

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 required to take competency exams. ⁴²³ Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. Online or instructor-led courses can be used to meet the 100% attendance requirement.

PART I: 30-Clock-Hour Introductory Training

Coursework may be accomplished either through a classroom instructor-led course or online. This training includes the following topics:

- Child Care Facility Rules and Regulations (6 hours)
- Health, Safety, and Nutrition (8 hours)
- Identifying and Reporting Child Abuse and Neglect (4 hours)
- Child Growth and Development (6 hours)
- Behavioral Observation and Screening (6 hours)

PART II: 10-Clock-Hours of Specialized Training

These topics include:

- Understanding Developmentally Appropriate Practices (5 hours) *must accompany one of the following:*
 - Infant and Toddler Appropriate Practices (5 hours)
 - Pre-School Appropriate Practices (5 hours)
 - School-Age Appropriate Practices (5 hours)

OR

- Special Needs Appropriate Practices (10 hours)

Substitutes in child care facilities are considered to be persons filling in for regular qualified/trained child care personnel who are directly responsible for supervising specific groups of children and are included in the staff-to-child ratio. Therefore, a substitute temporarily replacing child care personnel will be required to have the same training.

Online training courses, as well as specific times, dates, locations, and fees of state-approved providers of Introductory Child Care Training can be viewed at www.myflfamilies.com/service-programs/child-care/training and by selecting the “Training and Credentialing Information” link.



Recommended practice...

It is recommended that child care personnel attend training in the specialized area(s) in which they work; however, they are not required to do so. In addition, it is recommended that these specialized training courses be taken to meet the 10-hour in-service training requirement.

⁴²³ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook



Important Information!

When reviewing training documentation, check dates carefully. Child care facilities are responsible for ensuring that its staff successfully completes the necessary training within the required timeframes and for maintaining documentation of completion. Even if a person has a series of jobs in child care facilities, the first day of their first job in the child care field is the date that is used to determine the 90 days. Licensing counselors are responsible for monitoring compliance with training requirements and entering the data into the Childcare Administration Enforcement and Regulation System (CARES). See [Child Care Facility Training Matrix](#) for training requirements for child care facility personnel.

Competency exams can be scheduled by registering online if the child care employee is enrolled in and has paid for one of the Department's Introductory Training courses or by contacting the Child Care Training Information Center at 1-888-352-2842.

As of October 1, 2010, successful completion of training must be documented on the training transcript. A copy of the training transcript or must be included in each staff member's child care personnel record and maintained at each child care facility.⁴²⁴ A copy of the training transcript documenting completion of the required training for the owner/director of a child care facility must be included in the licensing file.



Important Information!

Effective **October 1, 2010**, licensing staff will only use the Department of Children and Families (DCF) Child Care Training Transcript to validate compliance with mandated introductory training requirements (30 or 40 hours) for licensure. Hard copy (paper) certificates will no longer be accepted.

- DCF training certificates not updated on the DCF Child Care Training Transcript **as of October 1, 2010**, will require the training to be retaken.
- The provider will be out of compliance with the mandated training standard until the coursework is retaken and completed.



Important Information!

Refer child care personnel with questions on training requirements or exemptions to the Child Care Training Information Center at 1-888-352-2842.

⁴²⁴ 65C-22.001(6), F.A.C. and Section 4.5 Facility Handbook

Introductory Training Exemptions

Child care personnel may be exempt from all or part of the 40-clock-hour Introductory Child Care Training requirement through competency examination(s) or an education exemption as described below.⁴²⁵

Competency Examination Exemption

A Child Care Introductory Training competency examination may be taken **one time** for the purpose of exemption without enrolling in a Department-approved course. Competency examinations require a weighted score of 70 or better for passage.

Educational Exemptions

Child care personnel may receive the following educational exemptions from Child Care Facility Part I & II. There are no exemptions for Child Care Facility Rules and Regulations or Child Abuse and Neglect.⁴²⁶

	Health, Safety and Nutrition (8 hours)	Child Growth and Development (6 hours)	Behavioral Observation and Screening (6 hours)	Understanding Developmentally Appropriate Practices (5 hours)	Infant and Toddler Appropriate Practice (5 hours)	Preschool Appropriate Practice (5 hours)	School-Age Appropriate Practice (5 hours)	Special Needs Appropriate Practice (10 hours)
Active Birth Through Five (FCCPC) or National Early Childhood (NECC) Credential	✓	✓	✓					
Associates Degree or Higher with 6 college credit hours in early childhood/child growth and development	✓	✓	✓					
Bachelor's degree or higher in Early Childhood Education or Preschool Education	✓	✓	✓	✓	✓	✓		
Bachelor's Degree in Elementary Education with certification to teach any age birth through 6 th grade	✓	✓	✓	✓			✓	
Bachelor's degree or higher in Elementary Education				✓			✓	
Bachelor's degree or higher in Exceptional Student Education	✓	✓	✓					✓

Important Information!

Individuals who do not pass an exemption exam will be required to enroll in that training course. Enrollment must take place in a state-mandated training course administered by a TCA-approved trainer or by completing the course online. The competency exam for the course may not be retaken until after the course is completed. Following completion of the coursework, there is no limit to the number of times an individual may take the competency exam; however, a fee will be charged each time the test is taken.

⁴²⁵ Section 402.305(2)(d), F.S.

⁴²⁶ Section 4.4.2 Facility Handbook

Early Literacy and Language Development Training Requirement

In 2003, the legislature passed a law that required child care personnel other than school-age personnel to complete 0.5 continuing education unit (CEU) or 5-clock-hours of training in early literacy and language development for children from birth to 5 years of age.⁴²⁷ In order to meet the literacy training requirement, child care personnel must complete one of the following:

- One of the Department's two online literacy courses available on the Child Care Program's website at www.myflorida.com/childcare
- One of the Department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or at the Child Care Program's website at www.myflorida.com/childcare
- One college level early literacy course (for credit or non-credit) if taken within the last five years

Child care personnel must complete early literacy training within 12 months of the date of employment in the child care industry.⁴²⁸ Proof of completion should be documented on a certificate of course completion, transcript, or diploma. Child care licensing staff must review personnel records to ensure literacy training is completed. School-age child care personnel are exempt from the 5-clock-hour early literacy and language development requirement.⁴²⁹

NOTE: Students who completed the Literacy training on or after January 1, 2018 may **NOT** use this course satisfy 5 hours of the Part II training requirement nor does it count as "begin training" (see page 275 of this booklet for approved Part II training).

Special Needs Training Requirement

Within five years of beginning employment in child care, the director/operator is required to take 8 hours in-service training in serving children with disabilities. A Director Credential documents compliance with this requirement since this requirement is part of the Director Credential.

Annual In-Service Training Requirement

Upon completion of Part I and Part II introductory training requirements, child care facility personnel must complete a minimum of 10-clock-hours of in-service training annually during the State's fiscal year which begins July 1 and ends June 30. In-service training hours may be earned in a variety of ways, including participation in national, state, or local conferences relating to children; specialized workshops; online training; or completion of a course from Part II of the Introductory Child Care Training. The Department does not approve courses for in-service training. Training in any of the following topics is acceptable:

- Health and safety, including universal precautions
- Infant and Child CPR (Cardiopulmonary Resuscitation)
- First aid (may be taken only once every three years to meet the in-service requirement)



Recommended practice...

Providers should maintain two years of in-service training documentation (the previous and current year).

⁴²⁷ Section 402.305(2)(d)5., F.S.

⁴²⁸ 65C-22.001(6), F.A.C. and Section 4.2.2 Facility Handbook

⁴²⁹ 65C-22.008(4), F.A.C. and Section 4.5 School-Age Handbook

- Nutrition
- Child development: typical and atypical
- Child transportation and safety
- Behavior management
- Working with families
- Design and use of child-oriented space
- Community, health, and social service resources
- Child abuse
- Child care for multilingual children
- Working with children with disabilities in child care
- Outdoor play safety
- Guidance and discipline
- Computer technology
- Leadership development/program management and staff supervision
- Age-appropriate lesson planning
- Homework assistance training for school-age care
- Food safety training
- Developing special interest centers/spaces and environments
- Literacy
- Other course areas relating to child care or child care management
- Any of the online courses offered through the department's child care website



Recommended practice...

It is recommended that child care personnel attend training in the specialized area in which they work; however, they are not required to do so. In addition, it is recommended that the specialized training courses be taken to meet the 10-hour in-service training requirement.



CARES Reminder

All training must be documented in the CARES. When updating personnel records in CARES the individual's Student ID is needed. If training has been completed it will automatically feed over into CARES.

Documentation of the in-service training requirement must be recorded on an [In-Service Training Record for Child Care Facilities \(CF-FSP Form 5268\)](#) and included in the child care facility's personnel records. Documentation such as agendas, conference materials, diplomas, etc., must be attached to the In-Service Training Record, unless the in-service training is one of the state-approved courses; in which case, the trainer's signature on the form or the Department's training transcript will be sufficient.⁴³⁰ There are no exemptions from the annual 10-hour in-service training requirement. Competency exams are not required for in-service training credit.

Individuals who *are not required* to complete in-service training include the following:

- Volunteers and substitutes who work less than 10 hours per month
- Swimming instructors
- Piano teachers

⁴³⁰ 65C-22.001(6), F.A.C. and Section 4.2.6, B. Facility Handbook

- Child enrichment service providers (as defined in s. 402.3054, F.S.)
- Dance and gymnastics instructors
- Other occasional or part-time support staff

Training completed to obtain or renew a Director Credential or Florida Child Care Professional Credential (FCCPC) may be counted toward the 10-hour in-service requirement for the year in which the training was received. Facility owners are responsible for maintaining training documentation on their employees.

All child care personnel employed in the industry beyond 15 months who change employment from one child care program to another during the fiscal year must complete the annual in-service training requirement.⁴³¹

Child care personnel not in compliance with the annual in-service training requirement as described in 65C-22.003(6), F.A.C., must complete the remaining in-service training requirement within 30 days of the noncompliance finding by licensing staff. These hours cannot be used to meet the current year's in-service training requirement.⁴³²

Pediatric CPR/First Aid Training

Each child care facility must have at least one staff member with a current and valid certificate of course completion for first aid training and pediatric cardiopulmonary resuscitation (CPR) procedures. One staff member satisfying these training requirements shall always be present when children are in care at the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off. The driver must have a valid certificate in pediatric CPR and first aid.⁴³³ Certificate(s) of course completion are valid based on the timeframes established by each first aid and CPR training program, not to exceed three years. CPR training may be classroom or online instruction. All CPR courses must include an on-site instructor-based skills assessment that is documented by the certified CPR instructor. **The instructor-based skills assessment maybe conducted virtually through an online format like Zoom, Team Meetings, Skype, etc. that allows the instructor to teach by demonstration, view participant practice, and visually assess final demonstration to ensure the technique can be performed by the individual in an emergency.** Documentation of completion on the online course and on-site assessment must be maintained at the facility and available for review by licensing staff.⁴³⁴ Documentation that identifies staff members who have met the first aid and



Important Information!

Infant and Child CPR training may be taken online. However, like instructor-based CPR training, the online instruction must include an on-site instructor-based skills assessment that is documented by the certified CPR instructor. **Documentation of completion on the online course and on-site assessment must be maintained at the facility and available for review by licensing staff.**

⁴³¹ 65C-22.001(6), F.A.C. and Section 4.2.6, C. Facility Handbook

⁴³² 65C-22.001(6), F.A.C. and Section 4.2.6, D. Facility Handbook

⁴³³ 65C-22.001(6), F.A.C. and Section 2.5.1. Facility Handbook

⁴³⁴ 65C-22.001(6), F.A.C. and Section 4.2.4, E. Facility Handbook

pediatric cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the child care facility.⁴³⁵ The Department does not approve CPR/First Aid training providers.

Staff Credentialing Requirement

Every licensed child care facility that operates eight hours or more per week is required to have one credentialed staff member for every 20 preschool age (0-5 years) children, beginning with the 20th child.⁴³⁶ The specifics of this requirement are covered in **Chapter 10: Credentials**.

Director Credential Requirement

Every child care facility is required to have a credentialed director, except during weekend and evening hours.⁴³⁷ The specifics of this requirement are covered in **Chapter 10: Credentials**.

School Age Child Care Training Requirements

School-age child care personnel must complete 40 hours of child care training.⁴³⁸

School-age personnel must successfully complete the following department's training as evidenced by passage of competency exams offered by the department or its designated representative:

- Child Care Facility Rules and Regulations (6 hours)
- Health, Safety, and Nutrition (8 hours)
- Identifying and Reporting Child Abuse and Neglect (4 hours)
- School-Age Appropriate Practices (10 hours)

The remaining 12 hours must be met by completing training identified in either subparagraphs a. or b. below:

a. Successful completion of competency exams offered by the department or its designated representative for the following courses:

- DCF Online School-Age Alternative Training (12 hours)

b. Specialized school-age training provided by 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).⁴³⁹

School-age personnel are exempt from the five clock-hour early literacy and language development training requirement.⁴⁴⁰

In addition, school-age child care programs are exempt from the staff credential requirement for child care facilities.⁴⁴¹

⁴³⁵ 65C-22.001(6), F.A.C. and Section 4.2.4, F. Facility Handbook

⁴³⁶ Section 402.305(3), F.S.

⁴³⁷ 65C-22.001(6), F.A.C. and Section 4.7 Facility Handbook

⁴³⁸ 65C-22.008(4), F.A.C. and Section 4.2 School-Age Handbook

⁴³⁹ 65C-22.008(4), F.A.C. and Section 4.2 School-Age Handbook

⁴⁴⁰ 65C-22.008(4), F.A.C. and Section 4.5 School-Age Handbook

⁴⁴¹ 65C-22.008(4), F.A.C. and Section 4.6 School-Age Handbook

School-age child care personnel in compliance with the introductory training requirements as outlined in 65C-22.003(2)(a), F.A.C., shall be considered in compliance with school-age child care personnel training requirements.⁴⁴²

Large Family Child Care Training Requirement

40-clock-hour Training Requirement

Prior to being licensed as a large family child care home, the operator must have been licensed as a family day care home for two consecutive years within five years of the date of the application to operate as a large family child care home, **and** must have **one** of the following documented via Staff Credential Verification Application on their Training Transcript for one year: ⁴⁴³

- An active National Early Childhood Credential (NECC) including the National Child Development Associate (CDA) credential
- An active Birth Through Five or School-Age Florida Child Care Professional Credential (FCCPC) - formerly known as the Child Development Associate Equivalency (CDAE) credential – such as School-Age Certification
- An active Florida Department of Education Child Care Apprenticeship Certificate (CCAC)
- An Early Childhood Professional Certificate (ECPC) or School-Age Professional Certificate (SAPC)
- Meet the formal educational qualifications

The specifics of this requirement are covered in **Chapter 10: Credentials**.

Within six months of licensure as a large family child care home, the operator must successfully complete 10-clock-hours of training from the Department's Part II specialized training courses. Successful completion of this training must be evidenced by passage of a competency examination with a score of 70 or greater.⁴⁴⁴

PART II: 10-Clock-Hours of Specialized Training

These topics include:

- Understanding Developmentally Appropriate Practices (5 hours) *must accompany one of the following:*
 - Infant and Toddler Appropriate Practices (5 hours)
 - Pre-School Appropriate Practices (5 hours)
 - School-Age Appropriate Practices (5 hours)
- OR**
- Special Needs Appropriate Practices (10 hours)

⁴⁴² 65C-22.008(4), F.A.C. and Section 4.2, 3. School-Age Handbook

⁴⁴³ Section 402.302(11), F.S., 65C-20.008(6), F.A.C., and Section 5.1.3 FDCH/LFCCH Handbook

⁴⁴⁴ Section 402.3131(3), F.S., 65C-20.008(6), F.A.C., and Section 5.4.1 FDCH/LFCCH Handbook

30-hour Training Requirement

Employees in a large family child care home must begin the Department's 30-clock-hour Family Child Care Training course within 90 days of employment within the child care field. The training must be successfully completed within one year of the date on which the training began, not to exceed 15 months from the date employment with a Large Family Child Care Home. Successful completion of this training must be evidenced by passage of a competency examination with a score of 70 or better.

Substitutes for the large family child care home employee who work 40 hours or more per month must successfully complete the 30-clock-hour Family Child Care Training course prior to licensure.⁴⁴⁵ Substitutes for the large family child care home operator, regardless of number of hours worked, must successfully complete the 30-clock-hour Family Child Care Training course prior to licensure. Successful completion of this training must be evidenced by passage of a competency examination with a score of 70 or greater.

6-clock-hour Family Child Care Home Rules and Regulations Training Requirement

Large family child care home employee substitutes who work less than 40 hours a month must complete the Department's 6-clock-hour Family Child Care Home Rules and Regulations course prior to licensure. Passage of a competency examination is required. Individuals who possess a 3-clock-hour Fundamentals of Child Care certificate are not required to complete the 6-clock-hour Family Child Care Homes Rules and Regulations course to satisfy this requirement.

Literacy Training Requirement

Large family child care home *operators* must complete 5-clock-hours or .5 Continuing Education Units (CEU) of training in early literacy and language development for children from birth to 5 years of age prior to licensure.⁴⁴⁶ The large family child care home *employee* must complete 5-clock-hours or .5 CEU of training in early literacy and language development for children from birth to 5 years of age within 12 months of the date of employment.⁴⁴⁷ The substitute(s) for the operator, regardless of the number of hours worked, must complete 5-clock-hours or .5 CEU of training in early literacy and language development of children from birth to 5 years of age prior to licensure. The substitute(s) for the large family child care home employee who works more than 40 hours a month must complete 5-clock-hours or .5 CEU of training in early literacy and language development of children from birth to 5 years of age prior to licensure.⁴⁴⁸ The substitute(s) for the large family child care home employee who **works less than** 40 hours a month **are not required** to complete the 5 hour literacy training.

In order to meet the literacy training requirement, individuals must complete **one** of the following:

- One of the Department's two online literacy courses available on the Child Care Regulation's website at www.myflfamilies.com/service-programs/child-care and by selecting the "Training and Credentialing Requirements"
- One of the Department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or at the Child Care Regulation's website at

⁴⁴⁵ 65C-20.008(6), F.A.C., and Section 5.1.1, A. FDCH/LFCCH Handbook

⁴⁴⁶ Section 402.3131(5), F.S., 65C-20.008(6), F.A.C., and Section 5.1.1, B. FDCH/LFCCH Handbook

⁴⁴⁷ 65C-20.008(6), F.A.C., Section 5.5.1 FDCH/LFCCH Handbook

⁴⁴⁸ 65C-20.008(6), F.A.C., Section 5.1.1 FDCH/LFCCH Handbook

www.myflorida.com/childcare and by selecting the “Training and Credentialing Requirements” link.

- One college level early literacy course (for credit or non-credit) if taken within the last five years. Passage of a competency examination is not required to meet this requirement.

Pediatric CPR and First Aid Training

Large family child care home operators and their substitutes must have certificate(s) of course completion for pediatric cardiopulmonary resuscitation procedures (CPR) and first aid training, which must always be current and valid . CPR training may be classroom or online instruction. All CPR courses must include an on-site instructor-based skills assessment that is documented by the certified CPR instructor. The instructor-based skills assessment maybe conducted virtually through an online format like Zoom, Team Meetings, Skype, etc., that allows the instructor to teach by demonstration, view participant practice, and visually assess final demonstration to ensure the technique can be performed by the individual in an emergency. Documentation of completion on the online course and on-site assessment must be maintained at the home and available for review by licensing staff⁴⁴⁹. First aid and CPR may be used for in-service training; however, first aid will only be counted once every three years.

There must always be a person present (including field trips) while children are in care who has a current and valid certificate of course completion for CPR and first aid. This may be either the operator or their substitute (if applicable). If the children are split into more than one group, this requirement applies for each group.

Annual In-Service Training

All large family child care home operators and employees must complete a minimum of 10-clock-hours of in-service training or one Continuing Education Unit (CEU) annually.⁴⁵⁰

In-service training hours may be earned in a variety of ways, such as participation in national, state, or local conferences relating to children; specialized workshops; online training; or completion of a course from Part II of the Introductory Child Care Training. The Department does not approve courses for in-service training. Training in any of the following topics is acceptable:

- Health and safety, including universal precautions
- Infant/Child CPR (Cardiopulmonary Resuscitation)
- First aid (may be taken only once every three years to meet the in-service requirement)
- Nutrition
- Child development: typical and atypical

⁴⁴⁹ 65C-20.008(6), F.A.C., Section 5.1.1, C. FDCH/LFCCH Handbook

⁴⁵⁰ Section 402.3131(4), F.S., 65C-20.008(6), F.A.C., and Section 5.6.1 FDCH/LFCCH Handbook

- Child transportation and safety
- Behavior management
- Working with families
- Design and use of child-oriented space
- Community, health, and social service resources
- Child abuse
- Child care for multilingual children
- Working with children with disabilities in child care
- Outdoor play safety
- Guidance and discipline
- Computer technology
- Leadership development/program management and staff supervision
- Age-appropriate lesson planning
- Homework assistance training for school-age care
- Food safety training
- Developing special interest centers/spaces and environments
- Literacy
- Other course areas relating to child care or child care management
- Any of the online courses offered through the department's child care website



Recommended practice...

Providers should maintain two years of in-service training documentation (the previous and current year).



CARES Reminder

All training must be documented in the CARES. When updating personnel records in CARES the individual's Student ID is needed. If training has been completed it will automatically feed over into CARES.

Documentation of the in-service training requirement must be recorded on an [In-Service Training Record for Family Day Care Homes/Large Family Child Care Homes \(CF-FSP Form 5268A\)](#) and included in the child care home's personnel records. Documentation such as agendas, conference materials, diplomas, etc., must be attached to the In-Service Training Record unless the in-service training is one of the state-approved courses; in which case, the trainer's signature on the form will be sufficient.

Large family child care home employees may apply the mandated 30-clock-hour Family Child Care Home training to meet the annual in-service training requirement during the first year of employment.⁴⁵¹

All employees continuously employed or hired prior to the last month of the provider's licensure year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.⁴⁵²

Operators and employees who do not complete the required annual in-service training during a given licensure year must complete the remaining in-service hours within 30 days of the

⁴⁵¹ 65C-20.008(6), F.A.C., and Section 5.7.1, A. FDCH/LFCCH Handbook

⁴⁵² 65C-20.008(6), F.A.C., and Section 5.7.1, B. FDCH/LFCCH Handbook

noncompliance finding by the licensing office. These hours cannot be used to meet the current year's in-service training.⁴⁵³

Substitutes are not required to complete annual in-service training as they are used for emergency situations and should not work for a provider on a regular basis.

- “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 are required to have 100% attendance in the following department's training courses: Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster Grandparents are not required to take competency exams.⁴⁵⁴ Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. Online or instructor-led courses can be used to meet the 100% attendance requirement.

Licensed Family Day Care Home Training Requirements

30-clock-hour Training Requirement

All licensed family day care home operators and substitutes who work more than 40 hours a month must successfully complete the Department's 30-clock-hour Family Child Care Training prior to licensure.⁴⁵⁵ Successful completion of training is evidenced by the passage of the competency examination with a score of 70 or greater.⁴⁵⁶ Family day care home operators and substitutes who successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to January 1, 2004, are not required to fulfill the competency examination requirement. Beginning July 1, 2006, the 30-hour Family Child Care Home training was replaced by five individual training courses which total 30-clock-hours of training.⁴⁵⁷ The courses are as follows:

- Family Child Care Home Rules and Regulations (6 hours)
- Health, Safety, and Nutrition (8 hours)
- Identifying and Reporting Child Abuse and Neglect (4 hours)
- Child Growth and Development (6 hours)
- Behavioral Observation and Screening (6 hours)

⁴⁵³ 65C-20.008(6), F.A.C., and Section 5.6.1 and 5.7.1, C. FDCH/LFCCH Handbook

⁴⁵⁴ 65C-20.008(6), F.A.C. and Section 5.2.3 FDCH/LFCCH Handbook

⁴⁵⁵ 65C-20.008(6), F.A.C. and Section 5.1.1 FDCH/LFCCH Handbook

⁴⁵⁶ 65C-20.008(6), F.A.C. and Section 5.1.1, A. FDCH/LFCCH Handbook

⁴⁵⁷ 65C-20.008(6), F.A.C. and Section 5.1.1, A. FDCH/LFCCH Handbook

6-clock-hour Family Child Care Home Rules and Regulations Training Requirement

Family day care home substitutes who work less than 40 hours a month must complete the Department's 6-clock-hour Family Child Care Home Rules and Regulations training course prior to licensure.⁴⁵⁸ Passage of a competency examination is required. Individuals who possess the 3-clock-hour Fundamentals in Child Care training course are not required to complete the 6-clock-hour Family Child Care Home Rules and Regulations course to satisfy this requirement.

Literacy Training Requirement

All family day care home operators must complete 5-clock-hours or .5 Continuing Education Units (CEU) of training in early literacy and language development for children from birth to 5 years of age prior to licensure.⁴⁵⁹ Substitutes who work more than 40 hours a month must complete 5-clock-hours or .5 CEU of training in early literacy and language development for children from birth to 5 years of age prior to licensure.⁴⁶⁰ Family day care home substitutes who work **less than** 40 hours a month are not required to complete the 5 hour literacy training.

In order to meet the literacy training requirement, individuals must complete **one** of the following:

- One of the Department's two online literacy courses available on the Child Care Program's website at www.myflorida.com/childcare
- One of the Department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or at the Child Care Program website at www.myflorida.com/childcare and by selecting the "Training and Credentialing Requirements" link.
- One college level early literacy course (for credit or non-credit) if taken within the last five years.

Passage of a competency examination is not required to meet this requirement.

Pediatric CPR and First Aid Training

Licensed family day care home operators and substitutes must have certificate(s) of course completion for pediatric cardiopulmonary resuscitation procedures (CPR) and first aid training, which must be current and valid at all times. CPR training may be classroom or online instruction. All CPR courses must include an on-site instructor-based skills assessment that is documented by the certified CPR instructor. **The instructor-based skills assessment maybe conducted virtually through an online format like Zoom, Team Meetings, Skype, etc., that allows the instructor to teach by demonstration, view participant practice, and visually assess final demonstration to ensure the technique can be performed by the individual in an emergency.** Documentation of completion on the online course and on-site assessment must be maintained at the facility and available for review by licensing staff.⁴⁶¹ First aid and CPR may be used for in-service training; however, first aid will only be counted once every three years.⁴⁶²

⁴⁵⁸ 65C-20.008(6), F.A.C. and Section 5.1.2 FDCH/LFCCH Handbook

⁴⁵⁹ Section 402.313(6), F.S., 65C-20.008(6), F.A.C., and Section 5.1.1, B. FDCH/LFCCH Handbook

⁴⁶⁰ 65C-20.008(6), F.A.C. and Section 5.1.1, B. FDCH/LFCCH Handbook.

⁴⁶¹ 65C-20.008(6), F.A.C. and Section 5.1.1, C. FDCH/LFCCH Handbook

⁴⁶² 65C-20.008(6), F.A.C. and Section 5.6.1, E. FDCH/LFCCH Handbook

Annual In-Service Training

All licensed family day care home operators must complete a minimum of 10-clock-hours of in-service training or one Continuing Education Unit (CEU) annually during the licensure year.⁴⁶³

In-service training hours may be earned in a variety of ways such as participation in national, state, or local conferences relating to children; specialized workshops; online training; or completion of a course from Part II of the Introductory Child Care Training. The Department does not approve courses for in-service training. Training in any of the following topics is acceptable:

- Health and safety, including universal precautions
- Infant/Child CPR (Cardiopulmonary Resuscitation)
- First aid (may be taken only once every three years to meet the in-service requirement)
- Nutrition
- Child development: typical and atypical
- Child transportation and safety
- Behavior management
- Working with families
- Design and use of child-oriented space
- Community, health, and social service resources
- Child abuse
- Child care for multilingual children
- Working with children with disabilities in child care
- Outdoor play safety
- Guidance and discipline
- Computer technology
- Leadership development/program management and staff supervision
- Age-appropriate lesson planning
- Homework assistance training for school-age care
- Food safety training
- Developing special interest centers/spaces and environments
- Literacy
- Other course areas relating to child care or child care management
- Any of the online courses offered through the department's child care website



Recommended practice...

Providers should maintain two years of in-service training documentation (the previous and current year).

Documentation of the in-service training requirement must be recorded on an [In-Service Training Record for Family Day Care Homes/Large Family Child Care Homes \(CF-FSP Form 5268A\)](#) and should be included in the licensure file as well as the personnel record maintained at the family day

⁴⁶³ Section 402.313(5), F.S., 65C-20.008(6), F.A.C., and Section 5.6.1 FDCH/LFCCH Handbook

care home. Documentation such as agendas, conference materials, diplomas, etc., must be attached to the In-Service Training Record, unless the in-service training is one of the state approved courses; in which case, the trainer’s signature on the form will be sufficient.

Operators who do not complete the required annual in-service training during a given licensure year must complete the remaining in-service hours within 30 days of the noncompliance finding by the licensing office. These hours cannot be used to meet the current year’s in-service training.⁴⁶⁴

Substitutes are not required to complete annual in-service training as they are used for emergency situations and should not work for a provider on a regular basis.

- “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 are required to have 100% attendance in the following department’s training courses: Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster Grandparents are not required to take competency exams.⁴⁶⁵ Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. Online or instructor-led courses can be used to meet the 100% attendance requirement.

Registered Family Day Care Home Training Requirements

30-clock-hour Training Requirement

All registered family day care home operators must successfully complete the Department’s 30-clock-hour Family Child Care Training course prior to registration. Successful completion of training is evidenced by the passage of the competency examination with a score of 70 or greater.⁴⁶⁶ Training transcripts are updated upon successful completion of the training.

Substitutes in registered family day care homes are not required to complete the 30-clock-hour Family Child Care Home Training, nor are they required to complete the 6-clock-hour Family Child Care Home Rules and Regulations Training.

Literacy Training Requirement

All registered family day care home operators must complete 5-clock-hours or .5 Continuing Education Units (CEU) of training in early literacy and language development of children from birth to 5 years of



CARES Reminder

All training must be documented in the CARES. When updating personnel records in CARES the individual’s Student ID is needed. If training has been completed it will automatically feed over into CARES.

⁴⁶⁴ 65C-20.008(6), F.A.C. and Section 5.6.1 FDCH/LFCCH Handbook

⁴⁶⁵ 65C-20.008(6), F.A.C. and Section 5.2.3 FDCH/LFCCH Handbook

⁴⁶⁶ Section 402.313(1)(a)6., F.S.

age prior to registration.⁴⁶⁷ Substitutes in registered family day care homes are not required to complete literacy training.

In order to meet the literacy training requirement, registered family day care home operators must complete **one** of the following:

- One of the Department’s two online literacy courses available on the Child Care Program’s website at www.myflorida.com/childcare
- One of the Department’s approved literacy training courses. A list of these courses may be obtained from the licensing authority or at the Child Care Program’s website at www.myflorida.com/childcare and by selecting the “Training and Credentialing Requirements” link.
- One college level early literacy course (for credit or non-credit) if taken within the last five years.


Passage of a competency examination is not required to meet this requirement.

Annual In-Service Training

All registered family day care home operators must complete a minimum of 10-clock-hours of in-service training or one CEU during their registration year.⁴⁶⁸

In-service training hours may be earned in a variety of ways, such as participation in national, state, or local conferences relating to children; specialized workshops; online training; or completion of a course from Part II of the Introductory Child Care Training. The Department does not approve courses for in-service training. Training in any of the following topics is acceptable:

- Health and safety, including universal precautions
- Infant/Child CPR (Cardiopulmonary Resuscitation)
- First aid (may be taken only once every three years to meet the in-service requirement)
- Nutrition
- Child development: typical and atypical
- Child transportation and safety
- Behavior management
- Working with families
- Design and use of child-oriented space
- Community, health, and social service resources
- Child abuse
- Child care for multilingual children
- Working with children with disabilities in child care



Recommended practice...

Providers should maintain two years of in-service training documentation (the previous and current year).

⁴⁶⁷ Section 402.313(1)(a)6.f., F.S.

⁴⁶⁸ Section 402.313(1)(a)8., F.S.

- Outdoor play safety
- Guidance and discipline
- Computer technology
- Leadership development/program management and staff supervision
- Age-appropriate lesson planning
- Homework assistance training for school-age care
- Food safety training
- Developing special interest centers/spaces and environments
- Literacy
- Other course areas relating to child care or child care management
- Any of the online courses offered through the department's child care website

Registered family day care home operators must submit documentation of their in-service training as part of the annual registration renewal process. Documentation of the in-service training may be recorded on an [In-Service Training Record for Family Day Care Homes/Large Family Child Care Homes \(CF-FSP Form 5268A\)](#), however the use of this form is not required. Copies of agendas, conference materials, diplomas, etc., may be used as well as training reflected on the Child Care Training Transcript.

Operators who do not complete the required annual in-service training during a given registration year must complete the remaining in-service hours within 30 days of the noncompliance finding. These hours cannot be used to meet the current year's in-service training.⁴⁶⁹

Substitutes are not required to complete annual in-service training as they are used for emergency situations and should not work for a provider on a regular basis.

School Readiness Provider Training Requirements

Pre-service Timeframe

All pre-service training requirements listed below must be completed by all program personnel, volunteers and substitutes, each as defined in this handbook, within 90 days of initial employment with any provider participating in the school readiness program. This timeframe does not start over if personnel change employment to another school readiness provider within this 90 days. Personnel who have not completed all pre-service training requirements may not be allowed any unsupervised contact with or care of children in a school readiness program.⁴⁷⁰

Training Courses

All program personnel, volunteers and substitutes must successfully complete one of the following sets of pre-service training coursework:⁴⁷¹

⁴⁶⁹ Section 402.313(1)(a)8., F.S.

⁴⁷⁰ 6M-4.620, F.A.C. and Section 18.1 Form OEL-SR-6202

⁴⁷¹ 6M-4.620, F.A.C. and Section 18.2 Numbers 1-3 Form OEL-SR-6202

1. Completion of the department-approved online or in-person child care training courses listed below, 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. Information on training course access and availability can be found on the department's website at <http://www.myflfamilies.com/service-programs/childcare/training>. Each of the following:
 - Health, Safety and Nutrition
 - Identifying and Reporting Child Abuse and Neglect
 - Child Growth and Development
 - Behavioral Observation and Screening

2. Completion of the below listed Early Learning Florida – University of Florida (ELFL) Health and Safety modules, as evidenced by successful completion of competency-based examinations offered by ELFL with a weighted score of 70 or better. Information on module access and availability can be found at <https://collabornation.net/login/floridaearlylearning>.
 - a. Each of the following:
 - Health and Sanitation
 - Safety of the Environment
 - Transporting Children (if child care program offers transportation)
 - Safe Sleep Practices (not required for school-age only programs)
 - Child Safety and Prevention
 - Planning for Emergencies
 - Developmentally Appropriate Practices
 - Preventing Child Abuse.

 - b. One of the following developmentally appropriate practices modules:
 - Supporting the Social-Emotional Development of Infants/Toddlers
 - Supporting the Social-Emotional Development of Preschool/School-age
 - Supporting the Social-Emotional Development of Mixed-age Group Care

Personnel employed by a public school district may show verification of completion of a course covering the identification and prevention of child abuse and neglect, which has been approved and administered by the school district, to meet the course requirement(s) above on the same subject matter.

Break in Service

In the event an individual leaves a school readiness program in compliance with the training requirements described in this section, and returns to the program either at the same or a different program facility, he or she must be granted 90 days to comply with any new mandated training requirements established during the gap in employment in the school readiness program.

In the event an individual leaves the school readiness program not in compliance with the training requirements described in this section, and returns to the program either at the same or a different program facility, prior to re-employment he or she must comply with the training requirements described in this section, in addition to any new mandated training requirements that may have been established during the gap in employment in the school readiness program.⁴⁷²

Documentation of Training

Documentation of successful completion of all pre-service training requirements must be included in every personnel record maintained at the school readiness program. Successful completion of training requirements may be verified and documented through any of the following methods:⁴⁷³

1. A copy of the Department's training transcript(s).
2. A copy of Early Learning Florida's training transcript(s).

Training Exemptions

The office shall exempt personnel with a Bachelor's degree or higher in Early Childhood Education or related field from the following course requirements specific to each training option:

1. Department courses – Developmentally Appropriate Practices, Behavioral Observation and Screening, Child Growth and Development, and Health, Safety and Nutrition course requirements.
2. ELFL modules – Health and Sanitation, Safety in the Environment, Precautions in Transporting Children, Safe Sleep Practices, Child Safety and Prevention, Planning for Emergencies, and one of the age-level Supporting the Social-Emotional Development courses.

There are no educational exemptions from the “Identifying and Reporting Child Abuse and Neglect” or “Preventing Child Abuse and Supporting Children in Trauma” related course requirements for either of the training options.⁴⁷⁴

⁴⁷² 6M-4.620, F.A.C. and Section 18.3 Numbers 1 & 2 Form OEL-SR-6202

⁴⁷³ 6M-4.620, F.A.C. and Section 18.4 Form OEL-SR-6202

⁴⁷⁴ 6M-4.620, F.A.C. and Section 18.5 Form OEL-SR-6202

Annual In-Service Training

Upon successful completion of pre-service training requirements, all program personnel, volunteers and substitutes 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.

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):⁴⁷⁵

- Health and safety, including universal precautions, prevention of infectious diseases, sudden infant death syndrome, use of safe sleep practices, administration of medicine, emergency preparedness, handling of hazardous materials;
- Infant and/or Child CPR;
- First Aid (may only be taken to meet the in-service requirement once every two years);
- Nutrition, including age-appropriate feeding;
- Child development – typical and atypical;
- Child transportation and safety;
- Social and emotional behavioral and mental health;
- Family and community engagement;
- Design and use of child-oriented space;
- Community, health and social service resources;
- Child abuse and neglect;
- Child care for multilingual children;
- Caring for children with exceptionalities;
- Access to physical activity, including safety in outdoor play;
- Early and/or Emergent Literacy;
- Guidance and discipline, including positive behavior supports and interventions;
- Leadership development/program management and staff supervision;
- Age-appropriate lesson planning;
- Homework assistance for school-age care;
- Food safety training; or
- Developing special interest centers/spaces and environments.



Recommended practice...

Providers should maintain two years of in-service training documentation (the previous and current year).

CPR courses must include an on-site instructor-based skills assessment that must be documented by the certified CPR instructor.⁴⁷⁶ **The instructor-based skills assessment may be conducted virtually through an online format like Zoom, Team Meetings, Skype, etc., that allows the instructor to teach by demonstration, view participant practice, and visually assess**

⁴⁷⁵ 6M-4.620, F.A.C. and Section 18.6 Numbers 1-2 Form OEL-SR-6202

⁴⁷⁶ 6M-4.620, F.A.C. and Section 18.6 Numbers 3 Form OEL-SR-6202

final demonstration to ensure the technique can be performed by the individual in an emergency.

Documentation of the in-service training requirement must be recorded on Form OEL-SR-6207, In-Service Training Record – School Readiness Program, or the Department’s CF-FSP Form 5268, Child Care In-Service Training Record (July 2012), incorporated by reference in Rule 65C-22.003, F.A.C and must be included in the program facility’s personnel records. Form OEL-SR-6207 may be obtained from the Office’s website at www.floridaearlylearning.com or from the following link: <https://www.flrules.org/Gateway/reference.asp?No=Ref-07457>. 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 program facility for review by the inspection authority.⁴⁷⁷

Personnel not in compliance with the annual in-service training requirement described in this section must complete the remaining in-service training requirement within 30 days of the noncompliance finding by the inspection authority. These hours cannot be used to meet the current year’s in-service training requirements.⁴⁷⁸

⁴⁷⁷ 6M-4.620, F.A.C. and Section 18.6 Numbers 5 & 6 Form OEL-SR-6202

⁴⁷⁸ 6M-4.620, F.A.C. and Section 18.6 Number 7 Form OEL-SR-6202

Chapter 19: Volunteers

Volunteers are persons who serve as child care personnel (as defined in s. 402.302(3), F.S.) in a child care facility or home, but do not receive any form of payment or remuneration such as money, free or reduced child care, or any other type of compensation for their services.

Requirements Relating to Volunteers

The minimum age limit for volunteers in a family day care is 13 years of age. In a facility, the minimum age limit is sixth grade. In both instances, a volunteer under 16 years of age must be under direct supervision and may not be counted in staff-to-child ratios regardless of the number of hours they work or whether or not they meet the criteria above. Volunteers who work in a facility a minimum of 20 hours per week and meet the credential requirement may be included in calculating the credential ratio.⁴⁷⁹

Prior to beginning volunteering, **all** volunteers, including those in family homes, must:

- Sign a [“Volunteer Acknowledgement” \(CF-FSP Form 5217\)](#) stating they are not being compensated in any way for their time and, if volunteering for 10 hours or more per month, are screened and trained⁴⁸⁰



Frequently Asked Question

Question: What are the training and screening requirements for persons who “assist” an operator of a licensed or registered family day care home on a regular (daily) basis?

Answer: The Department has no statutory authority over that person unless they are left alone with the children, in which case they become the substitute and must meet all appropriate requirements for a substitute.

⁴⁷⁹ 65C-22.001(6), F.A.C. and Section 4.6.1, D. Facility Handbook

⁴⁸⁰ 65C-22.001(6), F.A.C. and Section 7.4, F. Facility Handbook

- Sign a [“Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337 form](#) acknowledging receipt of information and understanding of the statutory requirements for reporting of child abuse and neglect⁴⁸¹

There are two categories of volunteers:

1. Volunteers who work 10 hours or more per month
2. Volunteers who work less than 10 hours per month

The following are requirements specific to each category of volunteers.

Volunteers Who Work 10 Hours or More Per Month

A volunteer who assists 10 hours or more per month is included in the term "personnel" for the purposes of screening and training. A volunteer in this category:

- Must be screened in the same manner as child care personnel
- Must meet the mandated 40-hour training requirements
- May be counted in staff-to-child ratios
- May be left alone to supervise a group of children (because they have been screened and trained)

In a family day care home, if the volunteer is also the substitute, the substitute may not work over 40 hours per month on average during a 12-month period in any single home for which they have been identified as the designated substitute.⁴⁸²

Volunteers Who Work Less Than 10 Hours Per Month

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, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(2), F.S. Volunteers in this category:

- Are not required to complete background screening
- Are not required to have completed the mandated 40-hour training modules
- Must be under the direct and constant supervision of trained and screened staff
- May not be left alone with children (unless they are screened and trained)

Foster Grandparents

Foster Grandparents are directly supervised volunteers who participate in the federal program pursuant to Title 45 Public Welfare, section 2552.75. Foster Grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not



Frequently Asked Question

Question: Can volunteers who are not screened and trained be counted in the staff-to-child ratio?

Answer: Yes, if the volunteer is under the supervision of a staff person **who is screened and trained**, they may be counted in the staff-to-child ratio.

⁴⁸¹ 65C-20.008(6), F.A.C., Section 4.3, H., FDCH/LFCCH. 65C-22.001(6), F.A.C., and Section 7.4, C. Facility Handbook

⁴⁸² 65C-20.008(6), F.A.C. and Section 3.2, D. FDCH/LFCCH

counted in the staff-to-child ratio. Foster Grandparents are not classified as child care personnel, and cannot be assigned the roles of teacher's aides, group leaders or other similar positions.

- Foster grandparents are required to have 100% attendance in the following department's training courses: Child Care Facility Rules and Regulations or Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster Grandparents are not required to pass competency exams for the courses.⁴⁸³ Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. Online or instructor-led courses can be used to meet the 100% attendance requirement.

Background Screening of Volunteers

Volunteers who either work more than 10 hours per month or who are not under the direct and constant supervision of persons who are screened and trained, are subject to all components of screening.⁴⁸⁴

- All volunteers (regardless of the number of hours worked) must complete a [Volunteer Acknowledgement \(CF-FSP Form 5217\)](#) attesting that they do not receive any form of compensation and that if they volunteer more than 10 hours per month they will complete Level 2 background screening.
- Foster grandparents working over 10 hours per month must provide a copy of level 2 screening conducted by the sponsoring agency for participation in the program. This screening must be maintained in a file at the child care facility and updated every five years. Note: This screening is not currently being conducted in the clearinghouse, therefore a letter from the sponsoring agency that names the individual and the date screening was completed is acceptable.
- Volunteers who work in summer day camps and summer 24-hour camps are subject to Level 2 screening.⁴⁸⁵
- Volunteers of programs run by a membership organization (Boys and Girls Club, YMCA, etc.) are not subject to screening if the program is exempt from licensure by virtue of meeting the requirements of s. 402.301(6), F.S.
- **Volunteers of programs that are exempt from licensure pursuant to 65C-22.008, F.A.C., are subject to Level 2 screening.**

⁴⁸³ 65C-20.008(6), F.A.C., Section 5.2.3 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 1,2 Facility Handbook

⁴⁸⁴ Sections 402.302(3) and (15) and 402.305(2)(a), F.S.

⁴⁸⁵ Section 409.175(2)(i) and (k), F.S.

Provider Requirements

The child care facility owner/director is responsible for maintaining the background screening documentation for all personnel in the facility including volunteers. The owner/director of each child care facility in which volunteers serve must:

1. If background screening was not completed, be able to document why screening was not conducted on volunteers.
2. Sign a "[Volunteer Acknowledgement](#)" (CF-FSP Form 5217) identifying those volunteers serving in the facility and attesting that they do not receive any form of payment or remuneration such as money, free or reduced child care, or any other type of compensation for their time.
3. Ensure that each volunteer who is not screened and trained is under the constant supervision of a trained and screened staff person and is not left alone with or in charge of any group of children.
4. Sign a statement ensuring that if the volunteer works more than 10 hours or more per month or receives some form of compensation, the provider understands that the volunteer must be cleared through Level 2 background screening.
5. Maintain a personnel file for each volunteer that includes:
 - A "[Volunteer Acknowledgement](#)" (CF-FSP Form 5217)
 - "[Child Abuse and Neglect Reporting Requirements CF-FSP Form 5337](#)"Documentation of background screening and training for those volunteers who work more than 10 hours per month

Chapter 20: School Readiness Inspections

Right of Inspection

Every school readiness child care provider is required to allow the Department or the local licensing agency access to facilities, personnel, and records at reasonable times during regular business hours.⁴⁸⁶ The right of entry and inspection also extends to any premise which the licensing authority has reason to believe is being operated or maintained as a child care facility without a license.

Types of Inspections

There are five types of inspections, each of which must be completed in the Child Care Regulation Application (CCRA) and archived to the Child Care Administration, Regulation & Enforcement System (CARES). The types of inspection reports are as follows:

- ✓ Initial "Pre-contractual" Inspection
- ✓ Annual License Exempt Inspection
- ✓ Re-inspection
- ✓ Renewal Inspection (Licensed Child Care Programs)
- ✓ Complaint Inspection

Initial "Pre-contractual" Inspection

License exempt providers that have never been inspected for health and safety must have a pre-contractual inspection prior to completing a school readiness contract with the Early Learning Coalition.




Reminder

When inspecting a home-based child care provider (registered, licensed family day care home or large home) remember that as the licensing authority, the counselor has the right and the responsibility to inspect the entire premises, not just those areas used for the child care program. Sensitivity and professionalism should be used to help the provider feel more at ease during the inspection.

⁴⁸⁶ Section 402.311, F.S.

- The pre-contractual inspection is treated like an “initial” inspection and it includes all of the school readiness standards. This inspection will serve as the provider’s annual school readiness inspection for that contract year.
- The “initial” pre-contractual inspection is an on-site visit that takes place during the initial school readiness contract process. Unlike other types of inspections, the pre-contractual inspection is conducted by appointment at the convenience of all parties involved. Compliance with all applicable items on the inspection checklist must be verified and all findings of non-compliance resolved prior to participation in school readiness. For this reason, this inspection may actually include an initial inspection as well as several follow-up site visits.
- The pre-contractual inspection report is to be held on the counselor’s laptop (i.e., not uploaded) until all non-compliant items have been corrected. This is considered a working document used to give technical assistance. A printed copy is maintained in the file to document the counselor’s work with the applicant. The final inspection report must reflect the date all items are in compliance. The first inspection report that appears on the Child Care Program’s website should show all items in compliance.
- Pre-contractual inspections must be completed, approved by a supervisor and uploaded into CARES within 45 days.




CCRA Reminder

Use the “School Readiness Inspection” report type in CCRA.

Re-Inspection

A re-inspection is a follow-up inspection that is conducted as a result of a finding of non-compliance during a previous inspection. A re-inspection is required for every finding of non-compliance to ensure that corrective action has been completed. Re-inspections must be completed as early as 1 business day after the violation corrective action due date, but no later than 10 business days. A re-inspection generally includes only those items that were in non-compliance during the previous inspection, unless:

- The re-inspection occurs during the timeframe (the 45-day “window”) that a routine inspection is due. In this case, a full routine inspection should be completed in addition to the re-inspection report.
- If additional non-compliant items are observed during the re-inspection. In this instance, the licensing counselor can add just the items that are non-compliant (the most common method) or can conduct a full routine inspection if needed.



CCRA Reminder

Use the “Re-inspection” report type in CCRA.

Renewal Inspection (Licensed Providers)

Licensed providers that apply for a school readiness contract do not need a pre-contractual inspection. The Early Learning Coalition will look at the last inspection to verify that the provider is in

full compliance with all health and safety requirements to complete the contract. Licensed providers will be inspected for all school readiness requirements during the renewal inspection.

- Prior to the submission of the renewal packet for approval, the licensing counselor must complete a full on-site renewal inspection. A renewal inspection includes a file review of all personnel files and all children's files (unless counselor has opted to complete a partial selection of files during each inspection throughout the licensure year and at the time of renewal all children records have been reviewed), and the CCDF standards included within the inspection and the addendum inspection items.
- Renewal inspections should occur in sufficient time to allow for corrective action and re-inspection prior to renewal.
- Make a notation to document technical assistance provided and obtain the owner/director's signature as evidence of notification and receipt of information provided and violations observed during the inspection process.

Annual License Exempt Inspection (Religious Exempt, Public/Non-Public Schools, Registered Family Day Care Homes, Informal Providers)

The license exempt provider has renewed their school readiness contract and is due for an annual school readiness inspection:

- The licensing counselor must complete a full on-site annual inspection using the License Exempt School Readiness inspection template.
- Note any non-compliances and a corrective action timeframe. A re-inspection will be required for any non-compliances that are not corrected at time of inspection.
- Document all technical assistance provided and obtain the owner/director's signature as evidence of notification/receipt of information provided and violations observed during the inspection process.
- A notification of the inspection is sent to the Early Learning Coalition once approved and uploaded into CARES. The Early Learning Coalition is responsible for progressive enforcement towards the provider's contract.

Complaint Inspection

A complaint inspection is an on-site investigation that is conducted as the result of a reported violation of the CCDF health and safety standards pursuant to chapter 6M-4.620, F.A.C.

- The purpose of the complaint investigation is to determine whether the allegations can be substantiated.
- A complaint inspection generally includes only those items on the inspection checklist that relate to the complaint allegations, unless additional non-compliance items are observed during the inspection. In this case, additional standards may be added or a full CCDF inspection can be conducted.
- A complaint investigation may require more than one on-site inspection.
- A complaint inspection is always uploaded to the CARES, but only appears on the Child Care Program's public website if the inspection shows noncompliant standards.

- The date the complaint was received and completed must be documented in the complaint inspection report. If there is a joint abuse/neglect investigation, the complaint should not be completed until the protective investigation is also completed. The 10-day uploading standard for a complaint begins at the completion date rather than the inspection date.

Frequency of Inspections

Licensed School Readiness Facilities

During the renewal inspection, the CCDF-School Readiness addendum standards will be monitored. Counselors are not responsible for monitoring school readiness standards during inspections other than the renewal inspection for licensed school readiness providers. However, if a school readiness standard is observed noncompliance during routine, reinspection, and/or complaint it must be documented. In order to document school readiness-only standards during an inspection other than a renewal inspection, the school readiness radio button must be checked manually by the counselor.

Licensed School Readiness Family Day Care Homes and Large Family Child Care Homes

During the renewal inspection, the CCDF addendum standards will be monitored. Counselors are not responsible for monitoring school readiness standards during inspections other than the renewal inspection for licensed school readiness providers. However, if a school readiness standard is observed noncompliance during routine, reinspection, and/or complaint it must be documented. In order to document school readiness-only standards during an inspection other than a renewal inspection, the school readiness radio button must be checked manually by the counselor.

License Exempt School Readiness Programs (not currently regulated)

License Exempt School Readiness child care facilities are required to be inspected prior to being issued a contract for school readiness services and then one time annually during each contract year thereafter. Licensing counselors will conduct one full on-site inspection annually. Use the School Readiness Inspection report to manage these programs on your caseload. Note: For Public/Non-Public School Exempt School Readiness providers, ensure their inspection is conducted during the school year while children are present.

Registered School Readiness Family Day Care Homes

Registered homes are required to be inspected prior to being issued a contract for school readiness services and then once annually during each contract year thereafter. The licensing counselor will conduct one full on-site inspection annually. Use the School Readiness Inspection report to manage these programs on your caseload.

The Inspection Process

Each counselor is assigned a caseload for which he or she is responsible. The licensing counselor's responsibilities relating to inspections include:

- Ensuring that all inspections are conducted in a timely manner regarding the required frequency and time period.
- Ensuring that all corrective actions are completed in a timely manner.

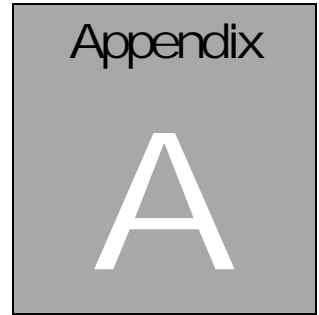
- Ensuring that all issues of noncompliance at license-exempt programs or registered homes are forwarded to the appropriate coalition for corrective action/progressive enforcement against the contract. The ELC will be automatically notified via CARES.
 Note: For licensed exempt school readiness providers that fail to comply after the first reinspection, notify the ELC directly. The provider (or the ELC) must contact the counselor when corrections have been made so that a second reinspection can be conducted.
- Implementing progressive enforcement measures in the event of repeated non-compliance for school readiness-only standards. Notification must be forwarded to the appropriate coalition for corrective action/progressive enforcement against the contract.



Recommended practice...

Caseloads should periodically be rotated. This allows a child care program to be evaluated from a fresh point of view and limits the perception of partiality as a result of a licensing counselor becoming overly familiar with the provider.

There are times when it is necessary for an inspection to be completed by someone other than the counselor to which the provider is assigned (for example, during an extended sick leave or maternity leave). The unit supervisor is responsible for assigning work and setting priorities in such an instance. When the counselor leaves the Department, the caseload must be assigned to another counselor or the supervisor must take responsibility for it.



Appendix A: Glossary

“**Access**” refers to the right of the parent or legal guardian to enter the child care facility or mildly ill child care facility to check on their child during normal working hours.

“**Active**” is the status of a candidate’s awarded credential or certification which demonstrates that the credential requirements have been successfully met.⁴⁸⁷

“**Activity schedule**” refers to a written plan of varied activities for each age group which is posted in a location accessible to the parents. It includes scheduled activities for both quiet and active play, outdoor activities, as well as meals, snacks and rest periods.

“**Administrative action**” means an action taken by the Department to impose sanctions against a license. Administrative actions include denying, suspending or revoking a license, or imposing an administrative fine.

“**Administrative complaint**” refers to a civil action in which the Department prepares written notice in accordance with Rule 65C-20, 65C-22 and 65C-25, F.A.C., which advises the owner of the action being taken, the classification of the violation(s), the factual basis for the violation(s), and instructions on appealing the fine within a 21 day period, in accordance with Chapter 120, F.S., and specifically Rule 28-106.201 or 28-106.301, F.A.C. An administrative complaint is prepared by Regional Legal Counsel or by licensing staff for Legal Counsel's review.

“**Administrative fine**” means a civil penalty in which the Department imposes a fine against a license for the violation of any provision of Chapter 402.301 - 402.319 F.S., or rules adopted there under.

“**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 in ss. 402.305 and 402.3055, Florida Statutes⁴⁸⁸:

1. The program is located on public/nonpublic school sites and is 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 s. 402.305(5), F.S., programs operated in public school facilities, regardless of the operator,

⁴⁸⁷ 65C-20.008(6), F.A.C., 65C-22.001(6), F.A.C., 65C-22.008(4), F.A.C., and Section 1.2 Facility, FDCH/LFCCH, and School-Age Handbooks

⁴⁸⁸ 65C-22.008(4), F.A.C. and Section 1.2 School-Age Handbook

- shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or
2. The 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. However, the program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration.⁴⁸⁹ Some examples of these programs include, but are not limited to, computer classes, ballet, karate, gymnastics, baseball, and other sports; or
 3. The program meets all of the following criteria:
 - a. Operates for a period not to exceed a total of four hours in any one day. 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, except those provided through the USDA Afterschool Meal Program (AMP) administered by the Department of Health. The Department will consider meals to be provided through the AMP only if the program is actively participating in the AMP, is in good standing with the Department of Health, and the meal meets AMP requirements. Programs not participating in the AMP may choose to provide drinks, snacks, and vending machine items that do not require refrigeration; or
 4. The program provides after school care exclusively for children in grades six and above.

“Age appropriate” means suitable for a specific age group.

“Applicant” means the person completing and signing an application for a license including the individual owner, prospective owner, or the designated representative of a firm, partnership, association, or corporation.

“Attendance” means the number of children that actually come to the facility on a daily basis.

“Authorized person” means an individual(s) who has been given permission by a child's parents or guardian to remove the child from the child care facility, mildly ill child care facility, family day care home, and large family child care home in case of illness, accident, or emergency if for some reason the parents or guardian cannot be reached.

“Background screening” means the act of assessing the background of child care personnel and volunteers and includes, but is not limited to, employment history checks, 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.⁴⁹⁰ In addition, owners and operators must have a Central Abuse Hotline Record Search.

⁴⁸⁹ 65C-22.008(3), F.A.C.

⁴⁹⁰ Section 402.302(15), F.S.

“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.

“Begin training” for child care facility personnel and employees of a large family child care home, refers to a candidate’s commencement of at least one of the child care training courses listed in s. 402.305(2)(e), 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 the 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, family day care home, or large family child care home, or licensed Florida school-age child care program. The child care facility is responsible for obtaining documentation from child care personnel.

“Capacity” is the maximum number of children that may be accepted for care in a child care facility, mildly ill child care facility or home at any time. Each room routinely used as a classroom must provide the minimum square footage per child.

“Caterer” means a duly-licensed food service business that provides ready-to-be-served meals to a provider. A copy of the license or permit must be in the child care facility and available for review by the licensing authority.⁴⁹¹

“Child care” is defined as “the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.”⁴⁹²

“Child care facility” is defined as “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.” The following are not included⁴⁹³:

- Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025
- Summer camps having children in full-time residence
- Summer day camps
- Bible schools normally conducted during vacation periods
- 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 FS.

⁴⁹¹ 65C-22.001(6) F.A.C., 65C-22.008(4), F.A.C., and Section 1.2 Facility and School-Age Handbooks

⁴⁹² Section 402.302(1), F.S.

⁴⁹³ Section 402.302(2), F.S.

- 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.⁴⁹⁴

“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 shall not be required to be fingerprinted but shall be screened for delinquency records. For purposes of screening, the term shall also include persons who work in child care programs which provide care for children 15 hours or more each week in public or nonpublic schools, summer day camps, family day care homes, or those 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, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(2). Students who observe and participate in a child care facility as a part of their required coursework shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and the students are under direct and constant supervision of child care personnel.⁴⁹⁵

“Class I Violation” means the most serious type of non-compliance with child care standards that could result or does result in death or serious harm to the health, safety and wellbeing of a child and include overt abuse and negligence related to the operation and maintenance of a facility or home.

“Class II Violation” 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.

“Class III Violation” 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.

“Continuing Education Unit (CEU)” is a standard unit of measurement of coursework used for training and credential purposes. The department will accept CEUs offered by the Department, Office of Early Learning, from education institutions accredited and recognized by the U.S. Department of Education, organizations accredited by the International Association of Continuing Education and Training (IACET), or from nationally affiliated member-based state professional organizations.⁴⁹⁶

⁴⁹⁴ Section 402.301(6), F.S.

⁴⁹⁵ Section 402.302(3), F.S.

⁴⁹⁶ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

“Co-op” means a child care arrangement in which parents of children organize a program of activities to serve the needs of their children.

“Corporation” means a legal entity formed to conduct business affairs and registered with the Department of State.

“Corrective action” is a specific action required by an owner/operator to correct a violation of the licensing standards cited on an inspection checklist, and can consist of a simple task to resolve a problem or an ongoing plan for a specified period of time. Corrective action is related to a violation and should be completed by the due date cited.

“Denial” is a direct response to a pending application and is the Department's refusal of permission to operate.

“Designated representative” is the individual who is authorized by the child care facility's/mildly ill child care facility's owner/operator to apply for a license or otherwise conduct business on the owner's behalf.

“Developmentally appropriate” means that which is suitable for the age and the individual child's abilities.

“Director” is the onsite administrator or individual who has the primary responsibility for the day-to-day operation, supervision and administration of a child care facility, consistent with the definition of “operator” in s. 402.302(11), F.S.⁴⁹⁷

“Director Credential” is a Department approved comprehensive credential that consists of education and experiential requirements as referenced in paragraphs 65C-22.001(7)(g) , F.A.C.⁴⁹⁸

“Discipline policy” means the written guideline of practices used for each age group of children served to manage negative behavior and to help children learn to exercise self control in a child care facility, mildly ill child care facility, or large family child care home.

“Drop-in child care” means child care occasionally provided in a child care facility in a shopping mall or business establishment where a child is in care for no more than a four-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements meet all requirements for a child care facility unless specifically exempted.⁴⁹⁹

“Early childhood education” refers to coursework, certification, a credential or degree specific to children ages birth through eight.⁵⁰⁰

“Employment history recognition exemption” is the grandfather clause that exempts child care personnel from the credentialing requirement if, as of July 1, 1995, they had a high school diploma or GED, have 10 years of documented experience in child care since July 1, 1980, or 10 years of

⁴⁹⁷ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁴⁹⁸ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁴⁹⁹ Section 402.302(6), F.S.

⁵⁰⁰ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, and who were employed in child care on July 1, 1995.

“Enforcement” is disciplinary action taken by the Department to ensure compliance with licensing standards.

“Enrollment” is the number of children officially registered in a child care facility, mildly ill child care facility or home.

“Evening child care” or “night time 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.⁵⁰¹

“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. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- A maximum of four children from birth to 12 months of age.
- A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- A maximum of six preschool children if all are older than 12 months of age.
- 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.⁵⁰²

“Field trip” means an excursion or trip in which children and child care personnel leave the premises of the child care facility or home.

“Fire Safety” includes a fire extinguisher must be present in areas where food is prepared. It is the responsibility of the director/operator to ensure all areas and equipment 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. This includes grease build-up in ovens, stoves and food equipment.

“Five-year re-screening” is a requirement for child care personnel to have state and federal criminal record checks at five year intervals after initial screening has cleared.

“Florida Child Care Professional Credential (FCCPC)” 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 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. Active credentials are valid for five years from the date of

⁵⁰¹ Section 402.302(7), F.S.

⁵⁰² Section 402.302(8), F.S.

issuance. A list of approved and recognized FCCPC programs may be obtained from the Department's website at www.myflorida.com/childcare and select "Training and Credentialing", then Quick Reference Links.⁵⁰³

"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 s. 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 and select "Training and Credentialing", then Quick Reference Links. 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.⁵⁰⁴

"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 s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may from the Department's website at www.myflorida.com/childcare and select "Training and Credentialing", then Quick Reference Links. 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.⁵⁰⁵

"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 s. 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 and select "Training and Credentialing", then Quick Reference Links. 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 Certificate⁵⁰⁶

"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 are 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 similar positions.⁵⁰⁷ Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. Online or instructor-led courses can be used to meet the 100% attendance requirement.

⁵⁰³ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵⁰⁴ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵⁰⁵ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵⁰⁶ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵⁰⁷ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook.

“Food Acceptance Log” is a log that must be maintained for all pre-prepared meals being transported into the facility. The log shall include the date, time of arrival, quantity and types of food, verification by recipient of condition of food, verification by recipient of adequate temperature of food, and the name and signature of recipient.⁵⁰⁸

“Food equipment” means all stoves, ranges, crock pots, microwaves, hoods, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, and other items used in the preparation, reheating, and serving of food, with the exception of utensils.

“Full Time Employee” means one additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.

“High School Diploma, GED, and/or College Degree” means a diploma or degree obtained from an 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.⁵⁰⁹

“Hours of Operation” means the hours of the day or night that a large family child care home has enough children in care.⁵¹⁰

“Household member” means any person over the age of 12 years who resides in the same dwelling as the operator of a child care facility, if the child care facility is located in or adjacent to the operator's residence or any person over the age of 12 years residing in a family day care home or large family child care home.

“Inactive” refers to a status of a candidate's awarded credential or certification that is no longer active; however, remains eligible for renewal.⁵¹¹

“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 four 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.⁵¹²

“Indoor square footage” means the usable space available to the children for indoor play, classrooms, and work and nap areas, and is calculated by measuring at floor level from interior walls and by deleting space for hallways, restrooms, kitchens, office space, permanent fixtures and non-moveable furniture. Each room routinely used as a classroom must provide the minimum square

⁵⁰⁸ 65C-22.001(6), F.A.C. and Section 3.9.3 E Facility Handbook

⁵⁰⁹ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵¹⁰ 65C-20.008(6), F.A.C. and Section 1.2 FDCH/LFCCH Handbook

⁵¹¹ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵¹² Section 402.302(10), F.S.

footage per child as defined in 65C-22.001(6), F.A.C. and the Child Care Facility Handbook Section 3.4.2

“Initial license” means the first license issued to an owner of a child care facility, mildly ill child care facility, family day care home, or large family child care home.

“Injunction” means legal action filed in circuit court by the Department or local licensing agency to obtain a court order to halt the continued operation of a facility or home if the facility or home is operating without a license or if there are violations of licensing standards that threaten to harm (or may have harmed any child).

“Isolation area” means the designated area in the child care facility, mildly ill child care facility or home equipped with a bed or cot for a child who becomes ill at the facility or home.

“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 of the past 5 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. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- A maximum of 8 children from birth to 24 months of age.
- A maximum of 12 children, with no more than 4 children under 24 months of age.⁵¹³

“Local licensing agency” means any agency or individual designated by the county to license child care facilities.⁵¹⁴

“Maximum seating capacity” means the maximum number of passengers to be transported in a motor vehicle, including the driver, as designated by the manufacturer.

“Meal Time Supervision,” means during feeding times, children must be individually fed and provided their own tableware. Children must be supervised appropriately for their ages and developmental abilities, to monitor the size of food and that children are eating accordingly. Food can never be associated with child discipline.

“Minimum age requirement (facility)” refers to the licensing standard requiring an operator to be at least 21 years of age. In the absence of the operator, there must be a person in charge of the facility at least 21 years of age on the premises at all times. A person under the age of 16 cannot be counted in the staff to child ratio and must be under direct supervision of child care personnel.

“Minimum age requirement (family day care home)” refers to the licensing standards requiring the operator to be at least 18 years of age. The minimum age for substitutes is 18 years of age. Employees in a large family child care home must be at least 18 years of age.

⁵¹³ Section 402.302(11), F.S.

⁵¹⁴ Section 402.302(12), F.S.

“National Early Childhood Credential (NECC)” is an early childhood credential approved by the Department and recognized by licensing authorities in at least five states that incorporates at least 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight 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 recognized NECC programs may be obtained from the department’s website at www.myflorida.com/childcare.⁵¹⁵

“Night time care” or **“evening child care”** is child care that is provided during night time hours, which is after or in addition to the normal daytime hours of operation. This is also referred to as “evening child care” and may encompass the hours of 6:00 p.m. to 7:00 a.m.

“Occupational license” means a license issued by a county or municipality to operate a business. However, no county or municipality shall issue the occupational license which is being obtained for the purpose of operating a child care facility without first ascertaining that the applicant has been licensed as a child care facility by the Department or local licensing agency.

“Operator” means any onsite person at least 21 years of age who is 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.⁵¹⁶ In a family day care home, the operator must be at least 18 years of age and a resident of the family home. In the event of rental or leased property, the operator shall be the individual who occupies the residence. In a large family child care home, “operator” means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.⁵¹⁷

“Outdoor play area” means the fenced area designated for outdoor play/activities for children in care at child care facilities, mildly ill child care, family day homes and large family child care homes. A minimum outdoor play area shall be provided for 1/2 of the licensed capacity for child care facilities and mildly ill child care facilities. Large family child care homes must have a minimum of 270 square feet of usable outdoor play area. Facilities and homes serving infants only are exempt from the outdoor play area requirement. Facilities serving infants as well as other children do not include infants in the capacity used to determine the square footage requirement for outdoor play area.

“Owner” means the person who is licensed to operate the child care facility.⁵¹⁸

“Playground” refers to the fenced area(s) designated and equipped for outdoor play and activities for the children.

“Potentially hazardous food” means any food that requires time-temperature control (refrigeration or hot holding) and contains ingredients such as milk, milk products, eggs, meat, poultry, fish, shellfish, cooked plant food (rice, beans, vegetables, and baked potatoes), tofu, other soy-protein products, mushrooms, cut melon, cut tomatoes, raw sprouts, and untreated garlic/oil mixtures

“Preparation of food” includes the selection and portioning or combining of ingredients to create food (including bottle preparation) intended for consumption. This definition is not limited to cooking. Excluded from the definition are warming of pre-prepared bottles and pre-prepared food (such as

⁵¹⁵ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵¹⁶ Section 402.302(13), F.S.

⁵¹⁷ 65C-20.008(6), F.A.C. and Section 3.1 FDCH/LFCCH Handbook

⁵¹⁸ Section 402.302(14), F.S.

catered food and food provided by a child's parent or guardian), distributing individually pre-packaged snacks, and learning activities provided by a child care program that may include raw or prepared food. A learning activity may not replace a regularly scheduled meal.

“Probation-status” is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations within the control of the provider. 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 home must operate during the probationary period.⁵¹⁹

“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.⁵²⁰

“Provisional status” refers to the conversion of a license or registration to a status that extends or continues permission to operate for up to a six-month period to allow time correct specified deficiencies that are beyond the control of the operator.⁵²¹

“Registered family day care home” means a family day care home not subject to licensure, but which must register annually with the Department or local licensing agency. There is no statutory authority to conduct routine on-site inspections.

“Registration” refers to the process through which required documentation is submitted to the Department or local licensing for a family day care home to become registered and includes the name and address of the home, name of the operator, the number of children served, proof of an available substitute, proof of screening and background checks, proof of completion of the 30 clock hour training, and proof that immunizations are kept current.

“Religious exempt” refers to a child care facility exempt from licensure under 402.301-319, F.S., which is an integral part of the program of a church or parochial school and is accredited by an organization which publishes and requires compliance with standards for health, safety and sanitation. Screening requirements for child care personnel pursuant to 402.305 and 402.3055 are required.

“Renewal license” refers to the license issued annually to a child care facility, mildly ill child care facility, family day care home or large family child care home which is a regular twelve month license. There must be an approved fire and child care licensing inspection on file indicating compliance with minimum standards for child care facilities and mildly ill child care facilities. Family day care homes and large family child care homes must have approved child care licensing inspections on file indicating compliance with minimum standards. Large family child care homes must also have approved fire inspections on file.

“Revocation” means the official termination of a child care facility, mildly ill child care facility, family day care home or large family child care home license to operate.

⁵¹⁹ 65C-20.012(1)(b), F.A.C. and 65C-22.010(1)(b), F.A.C.

⁵²⁰ 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵²¹ Section 402.309, F.S.

“**Sanitize**” means the process of destroying or reducing organisms to a safe level. Includes properly cleaned equipment and surfaces, such as sinks and sleep mats. Sanitization shall be accomplished with the application of a chemical sanitizer or the use of hot water or steam. Sanitizing agents must be used according to the manufacturer label. Sanitizing agents used on food contact surfaces must be labeled by the manufacturer safe for use on food contact surfaces and have specific instructions designed for use on food contact surfaces. The manufacturer’s directions must be followed.⁵²²

“**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.⁵²³

“**School Age Child Care Program**” means any licensed child care facility serving school age children as defined in 65C-22.008(1)(a) 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 65C-22.008(1)(a), F.A.C.⁵²⁴

“**Serving food,**” means the provision of meals and snacks to children.

“**Substantial compliance**” refers to that level of adherence to the child care standards 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.

“**Substitute**” means an employee who is available to substitute for the operator or employee of a large family child care home on a temporary or emergency basis in the absence of regular staff. In a family day care home or large family day care home a substitute must be a competent adult, at least 18 years of age.⁵²⁵

“**Sufficient**” means as much as is needed; enough; adequate.

“**Suitable**” means appropriate to a given purpose or occasion; ability to meet requirements related to a particular need or occasion.

“**Supervision**” means the following:

- In a child care facility, “supervision” means *direct supervision*...or watching and directing children’s activities within the same room or designated outdoor play area and responding to the needs of each child’s need. Child care personnel at a facility must always be assigned to provide direct supervision to a specific group of children and be present with that group of children. 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 always accountable for children, which includes when children are separated from their groups⁵²⁶.
- In a school-age child care facility, “supervision” means that child care personnel must remain responsible for the supervision of the children in care and capable of responding to emergencies, and are always accountable for children, which includes when children are separated from their

⁵²² 65C-22.001(6), F.A.C. and Section 1.2 Facility Handbook

⁵²³ 65C-22.008(4), F.A.C. and Section 1.2 School-Age Handbook

⁵²⁴ 65C-22.008(4), F.A.C. and Section 1.2 School-Age Handbook

⁵²⁵ 65C-20.008(6), F.A.C. and Section 3.2 FDCH/LFCCH Handbook

⁵²⁶ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

groups. At all times lighting must be sufficient to visually observe and supervise children while in care⁵²⁷.

- In a licensed family day care homes “supervision” means that at all times, which includes when the children are napping or sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to the emergencies and the needs of the children. While children are napping or sleeping in bedrooms, the bedroom doors must remain open. During the daytime hours of operation, children shall have adult supervision, which means watching and directing children’s activities, both indoors and outdoors, and responding to each child’s needs⁵²⁸.
- In a large family child care home “supervision” means *direct supervision*...which must always be maintained during the hours of operation. Direct supervision means watching and directing children’s activities and responding to each child’s need. While children are napping or sleeping in bedrooms, the bedroom doors must remain open⁵²⁹.

Additional supervision requirements:

Diapering requirements (facilities and homes) Children must always be attended to when being diapered or when changing clothes⁵³⁰.

Outdoor supervision (facilities) During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision can be provided⁵³¹.

Field trip supervision (facilities) 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 supervision⁵³².

Field trip supervision (family day care homes) No additional adult is required during field trips for family day care homes.

Field trip supervision (large family child care homes) In addition to the number of staff required to meet staff-to-child ratios, if there are more than six preschoolers participating on field trips away from the large family child care home, there must be one additional adult present, per each six (6) preschoolers, or any fraction thereof, to provide direct supervision to the children⁵³³. If some children remain in the home, the adult supervision as required in Section 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in Section 402.302(11), F.S.

Water activities supervision (facilities) If a child care facility uses a swimming pool which exceeds three (3) feet in depth or uses beach or lake areas for water activities, the child care facility must provide one (1) person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area⁵³⁴. In situations in which 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.

⁵²⁷ 65C-22.008(4), F.A.C. and Section 2.4 School-Age Handbook

⁵²⁸ 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook

⁵²⁹ 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook.

⁵³⁰ 65C-20.008(6), F.A.C., Section 6 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵³¹ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵³² 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵³³ 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook

⁵³⁴ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

Water activities supervision (large family child care homes) If a large family child care home uses a swimming pool which exceeds three feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area⁵³⁵.

Naptime supervision (facilities) 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 required 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 always be directly supervised⁵³⁶.

Feeding times (facilities) During feeding times children shall be individually fed or supervised appropriately for their ages and developmental abilities

- Infants shall be held for bottle feedings until they are developmentally ready to sit in a high chair with good head control. Children shall not be left in high chairs or other types of feeding chairs outside of feeding times. The use of safety straps to prevent falls is required whenever children are placed in high chairs.
- 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 and documented in the child's file.⁵³⁷

Bathroom supervision (facilities) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting⁵³⁸.

Operating without a fence (school-age child care) 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.⁵³⁹

Evening child care supervision (facilities) During evening child care hours, staff must always remain awake⁵⁴⁰. 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 described in 65C-22.001(5)(b), F.A.C., is required.

Isolation supervision (facilities) The isolated child must always be within sight and hearing of a staff person. The child must be carefully observed for worsening conditions⁵⁴¹.

Isolation supervision (large family child care homes) A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.⁵⁴²

Transportation supervision (facilities, large family child care home, and family day care homes) An adult must remain within sight and sound of children being transported in a vehicle so

⁵³⁵ 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook

⁵³⁶ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵³⁷ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵³⁸ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵³⁹ 65C-22.008(4), F.A.C. and Section 2.4 School-Age Handbook

⁵⁴⁰ 65C-22.007(2), F.A.C.

⁵⁴¹ 65C-22.001(6), F.A.C. and Section 2.4 Facility Handbook

⁵⁴² 65C-20.008(6), F.A.C. and Section 6 FDCH/LFCCH Handbook

as to be able to respond to the facility, family day care home, or large family child need of the children at all times⁵⁴³.

“Suspend” refers to the action taken to cease operation of a child care facility, mildly ill child care facility, family day care home, or large family child care home during an active license period.

“Tableware” means utensils used for eating, drinking, and serving food including forks, knives, spoons, bowls, and cups and serving dishes. Tableware may be either multi-use or single service.

“Technical assistance” means to give professional guidance to a provider to enhance operations or increase their understanding.

“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 by selecting Training and Registry Log-in.

“Transition period” refers to the period of time in a licensed child care facility during which children are arriving and departing from the child care facility and the square footage requirements of s. 402.305(6), F.S., are suspended for a period of time not to exceed 30 minutes.⁵⁴⁴

“Usable indoor floor space” is defined as that space available for indoor play, classroom, work area, or nap area. To determine overall facility capacity, usable indoor floor space is calculated by measuring the interior walls at floor level, and then subtracting unusable space (space occupied by stairways, toilet and bath facilities, permanent fixtures, and non-movable furniture). Kitchens and designated food preparation areas, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space to determine total facility capacity. Each room routinely used a classroom must provide the minimum square footage per child.⁵⁴⁵

“Utensils” means pots, pans, ladles, pitchers, cutting boards, knives, or food containers used in the preparation, storage, transportation, or serving of food.

“Vehicle inspection” refers to the annual inspection of a vehicle used to transport children at child care facilities and large family child care homes to check seating capacity based on the number of manufacturer installed seat belts, first aid kit, and fire extinguisher. Vehicles must also be checked annually by a mechanic.

“Volunteer” means any person who provides services to, for, or at a child care facility, mildly ill child care facility, family day care home or large family child care home with no promise of compensation.

“Weekend child care” means child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday.⁵⁴⁶

⁵⁴³ 65C-20.008(6), F.A.C., Section 6 FDCH/LFCCH Handbook, 65C-22.001(6), F.A.C., and Section 2.4 Facility Handbook

⁵⁴⁴ Section 402.305(15), F.S.

⁵⁴⁵ 65C-22.001(6), F.A.C. and Section 7.5 Facility Handbook

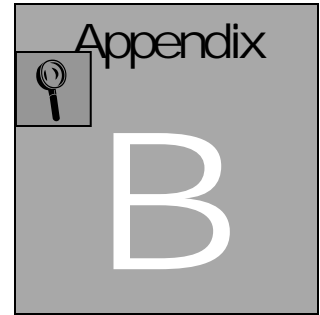
⁵⁴⁶ Section 402.302(18), F.S.

“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.⁵⁴⁷

“Year of experience” is an equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.⁵⁴⁸

⁵⁴⁷ 65C-22.001(6), F.A.C., and Section 1.2 Facility Handbook

⁵⁴⁸ 65C-22.001(6), F.A.C., and Section 1.2 Facility Handbook



Appendix B

Guide to the Inspection Process: Licensed Facilities

Unless otherwise stated, each item on the inspection checklist must be monitored at every inspection.

Compliance Options

Compliance Use to indicate that the standard inspected followed licensing requirements. An additional comment may be included as positive reinforcement.

Non-Compliance Use to indicate that the standard was observed to be out of compliance. Requires the licensing counselor to insert a comment describing the non-compliance, and choose a corrective action due date.

If an item on the Inspection Checklist is found to be in non-compliance and the provider corrects the violation at the time of the inspection, the licensing counselor is to reflect that the violation was corrected at the time of the inspection and include a statement as to what, specifically, was done to bring the item into compliance.

Not Monitored Use to indicate that the standard was applicable to the provider, but was unable to be monitored during the inspection. A comment stating the reason the standard was not monitored is required. For example, napping space may not have been monitored because children were not napping during the inspection.

Not Applicable Use to indicate that the standard in question is not applicable to the provider, due to the type of program. For example, items relating to diaper-changing are not applicable because the provider does not provide care for diapered infants/toddlers.

Inspection Checklist Items

General Requirements

1. License Displayed/Citation Posted/Advertising

The license must be displayed in a conspicuous place. Any citation must be posted for one year after the effective date of the citation. A child care provider may not advertise a child care facility without including the state or local agency license number of the facility within the advertisement.

- An office, or other space that is inaccessible to parents, is not appropriate.
- A citation is required to be posted after the exhaustion of any Chapter 120 appeals.
- A citation must remain posted for a full year after its effective date.
- Violation of the advertising portion of this standard is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S., and should be reported to law enforcement.
- The facility's license number must be included when advertising the availability of child care. At the facility location, the license number must be displayed prominently in at least one place where the name of the facility is included. This can be either the roadside sign, the facility door or on the building itself. When using electronic media to advertise the availability of child care, e.g., provider website, Craig's List and other online message boards, the facility license number must be included. When facilities advertise the availability of child care in the newspaper or other print media such as posters and flyers, the license number must be included. Also, any vehicle which includes the name of facility must include the license number.
- Facilities not yet officially licensed may advertise with the statement "License Pending." If application has been made. In this case they would not yet have a license number.

Look for...

Look for the posted citation if the file includes a record of a citation (see **Chapter 12: Enforcement** for more information regarding citations).



Look for...

Look for license number on signs, brochures, vehicles, newspaper advertisements.

2. Minimum Age Requirements

Minimum age requirements must always be met.

- A person under 16 year of age may not be employed unless under direct supervision.
- A person under 21 years of age may not be the operator of a child care facility.
- In the absence of the operator, the person left in charge must be at least 21 years of age.



Look for...

The dates of birth of child care personnel are documented in their personnel files (on the employment application or background screening documentation).

3. Ratio Sufficient

Ratios must be maintained during all hours of operation including mealtime, naptime, and during transportation.

- When transporting children, the driver may be counted in the child-to-staff ratio.
- During naptime, staff may be counted towards meeting the required staff-to-child ratio if they are within the same building and on the same floor as the children assigned to their care, and they are readily available if summoned.
- An individual participating in a community service work experience activity or a work experience activity in a child care facility for purposes of the Temporary Cash Assistance Program, the Welfare Transition Program, or the Food Stamp Employment and Training Program may not be considered in calculating the staff-to-children ratio. **This applies to employees whose salary is subsidized by the WAGES program, not those who are receiving welfare or are a WAGES client.**
- Persons under the age of 16 may not be counted for the purposes of computing the staff-to-child ratio.
- Foster grandparents may not be counted for the purposes of computing the staff-to-child ratio.
- Be especially careful when monitoring mixed age groups. Be sure to use appropriate staff-to-child ratios in mixed groups with infants. In mixed groups with no infants or one-year-olds, always base the ratio on the age group with the largest number of children.
- Observe what staff and children are doing. When staff are attending to the legitimate needs of children, ratios may be out of compliance momentarily.



Look for...

Ask the provider the ages of the children in the group you are monitoring. It may be necessary to ask the children their names and ages and check children's files if you are unsure of the accuracy of the information the provider gives you.

4. Supervision

Direct supervision means actively watching and directing children's activities within the same room or designated outdoor play area, during transportation, any activity outside the facility, and responding to the needs of each child while in care. Child care personnel at a facility must always be assigned to provide direct supervision to a specific group of children and be present with that group of children. 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. 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.

- Children must not be left inside or outside the facility, in a vehicle, or at a field trip location by themselves.
- Staff should not cluster to chat with each other on the playground. Instead, they should circulate to watch and direct the children's activities.
- Staff should know how many children they are responsible for at all times. Staff must always be present with their assigned group including during



Look for...

Observe staff. Ask which group they are responsible for and how many are in their group. Is staff responding to the children's needs? Is staff readily accessible?

- meals and snack time, both inside and outside of the facility.
- Children are the responsibility of the facility until they have been retrieved by an authorized individual. Parents must provide the facility a list of authorized individuals with permission to pick up their child. Staff must verify the individual is authorized using the individual's photo identification.
- Children being transported must be dropped off at the appropriate location and released to an authorized individual.
- During naptime, staff are required be in close proximity, within sight and hearing of the children, and must be readily accessible to be easily summoned.
- During meal times, children must be either individually fed or supervised appropriately for their ages and developmental abilities.
- Infants shall be held for bottle feedings until they are developmentally ready to sit in a high chair with good head control. Children shall not be left in high chairs or other types of feeding chairs outside of feeding times. Safety straps are required when children are in high chairs.
- Bottles may not be propped while feeding infants not capable of feeding themselves.
- No automatic feeding devices may be used, unless medically prescribed.
- Children must be supervised in accordance with age and needs while bathing/toileting.
- Children must always be attended to when diapering or changing clothes. A safety strap or harness must not be used on a changing table.
- During evening child care, *direct* supervision is required when children are awake, and supervision is required when children are sleeping. Staff must always remain awake.
- Direct supervision is not required when caring for school age children. Instead, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and be accountable for children at all times.
- Substitutes must be available during the absence of regular staff.
- Substitutes must be appropriately screened and trained.
- Unless the licensing counselor can accompany the program on a field trip or swimming activity, this item would be marked "Not Monitored".
- A trained lifeguard must be present if the body of water used for swimming activities exceeds three (3) feet in depth.
- In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent for swimming activities, that person can also serve as the additional adult to meet the additional supervision requirement.
- During water play activities, the supervising adult must be within an arm's length or providing "touch supervision" to children.



Look for...

If possible, observe supervision during bathing/toileting. If the facility does not have a permanent bathing facility, ask what the operator is planning to use. Facilities using a portable tub and hose need to have a plan to provide some privacy.



Look for...

Ask the operator to identify substitutes. Review each substitute's personnel file.



Look for...

Review the transportation log and activity plan to see if the program engages in swimming activities/field trips. If possible, observe field trips and swimming activity to ensure that additional adult is present.

- Swimming pools must have drain covers in compliance with the Virginia Graeme Baker Pool and Spa Safety Act. Public pools are required to have a current permit from the health department. Ask to see a copy of the permit and latest inspection for pools onsite at the facility. If the program uses a public pool offsite, inform them of the permit requirement to ensure they ask the right questions and confirm the pool is in good standing before allowing children in care to participate.
- If the facility uses a swimming pool that is more than six feet in width, length or diameter a ring buoy and rope, a rescue tube or a throwing line and a shepherd's hook that does not conduct electricity must be available and staff must be trained on the proper use of these devices. Training can be as informal as the lifeguard giving a short lesson on the pool deck before the children are allowed in the pool.

5. Transportation

A log shall be maintained for all children being transported in the vehicle.

- If the facility does not provide transportation, mark this item "Not Applicable".
- The log must be maintained for a period of twelve months.
- The log must include:
 - ✓ Each child's first and last name
 - ✓ The date, time of departure and time of arrival
 - ✓ The signature of driver and signature of second staff member to verify driver's log and the fact that a visual sweep was conducted to ensure that all children have left the vehicle.
- The log must not be pre-filled except for the name of the children. This log must be completed at the time of service, in real-time.
- Each vehicle must be equipped with contact information for all children being transported.
- Emergency care plans and supplies or medication must be available when transporting children with chronic medical conditions such as asthma, diabetes, or seizures.
- The responsible adult must be trained to recognize and respond appropriately to a medical emergency.
- The interior of the vehicle must be maintained at a temperature comfortable to children. Because the vehicle is an extension of the facility the indoor temperature range of 65-82 degrees is applicable. Use a thermometer. This standard is not automatically cited noncompliance if the vehicles AC doesn't work. It depends on the time of year, time of day transportation occurs, and whether the windows are rolled down to circulate the air.

Technical Assistance Note: Recommend that the log contain a statement by each signature that a physical inspection and visual sweep of the vehicle was conducted and that no child was left in the vehicle. Ask the driver to talk you through the process of loading and unloading children from the vehicle. This will allow you to help identify any gaps in their protocol and help correct. If during your inspection transportation is occurring, go outside and observe how the protocol plays out.



Look for...

Review the [transportation log](#) to ensure that the number of children transported never exceeded the manufacturer's specified capacity. If transportation is directly observed, monitor for proper usage of child restraints.

6. Driver's License, Physician Certification and First Aid/CPR Training

When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a valid Florida driver's license, an [annual physical examination](#) which grants medical approval to drive, and current first aid and pediatric CPR certification.

- If the facility does not provide transportation, mark this item "Not Applicable".
- The driver's license must be valid.
- If the vehicle has seating for 15 or more passengers, including the driver, the driver must have a commercial driver's license with a "P" endorsement in order to be "valid".
- The driver's physical exam must have been conducted within the last 12 months and *granted medical approval* to drive in order to be valid.
- The driver must have a valid certificate of course completion for first aid training and pediatric cardiopulmonary resuscitation (CPR) procedures.

Technical Assistance Note: If there is a larger vehicle and the driver does not have a "S" endorsement on his or her commercial driver's license, provide technical assistance to the owner/operator by instructing him or her to contact their local DMV to determine if the vehicle is included in the CDL "S" endorsement category and so note on the inspection report.



Required Documentation

Check the driver's personnel file for a copy of a valid driver's license, documentation of the medical exam with approval to drive, and valid certificate of first aid/CPR training.



Reminder

All drivers must have a valid Florida Driver's License prior to transporting children. No exemptions are granted for military family members stationed in Florida due to military orders.

7. Vehicle Insurance and Inspection

All child care facilities that provide transportation must comply with the [vehicle inspection](#) responsibilities and insurance requirements found in s. 316.615, F.S. 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. If the facility does not provide transportation, mark this item "Not Applicable". Parent's personal vehicles used during field trips are excluded from meeting the requirements in this item.



Look for...

Ask to see current vehicle inspection. Ask to see copy of insurance policy.

8. Seat Belts/Child Restraints

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. 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.

- If the facility does not provide transportation, mark this item "Not Applicable".
- All children must use a seat belt (children over 3 years of age) or federally-approved child restraint device (children three years of age and younger).

- Maximum capacity is based upon the manufacturer’s designated seating capacity or the total number of factory-installed seat belt positions. Capacity can usually be found on the end of the driver’s side door when opened.
- School buses, as defined under ss. 234.05 and 316.614(3)(a), F.S., are excluded from seat belt/child restraint requirements. **NOTE:** School buses purchased by a child care facility are not considered a “school bus” and, therefore, are not excluded from seat belt/child restraint requirements. However, if a child care facility contracts with (compensates) a transportation service provider to transport staff and children, the bus used under those circumstances is excluded from seat belt/child restraint requirements.
- Volunteer-supplied transportation must comply with seat belt/child restraint requirements.
- Wheelchair occupants must be properly secured during transport by four tie-downs in a forward-facing direction and the child be secured in a three-point tie restraint or in a federally approved child safety restraint in accordance with the child’s needs.
- Child safety restraints must be replaced after a recall, past the manufacturer’s “date of use” expiration date, or after being involved in a crash. Child Safety Restraints (CSR) have a manufactured date and the restraint is effective for 7 years past the manufactured date.
- Crash criteria include:
 - Was it able to be driven away from the crash site;
 - The occupant space inside the vehicle near the CSR was undamaged;
 - There were no injuries to any children in CSR or serious injury to anyone else in the vehicle;
 - The air bags did not deploy; AND
 - There is no visible damage to the CSR.

9. Planned Activities

Each age group or class must have a written and followed plan of scheduled daily activities posted in a place accessible to parents.

The written plan must include the following:

- Variety of activities that range from structured to unstructured.
- Quiet and active play, both indoors and outdoors.
- Meals, snacks and nap times, if appropriate, for the age and the times the children are in care.
- Children shall not be left in confining devices (such as swings, high chairs, car seats, etc.) as an alternative to active play or adult/child interaction, supervision or discipline.
- Facility cannot use electronic media time (television, videos, movies, or computer games) with children younger than two years of age. Limited electronic media time (no more than one to two hours per day) may be used for educational purposes or physical activity for children older than two years of age.
- Infants in care shall be provided opportunities for outdoor time each day that weather permits.
- Program must implement practices that promote consistency and continuity of care. The intent of this standard is to promote consistency and balance particularly for infants through toddler age children, by way of setting a routine schedule and order of



Look for...

Observe the location of the plan to ensure that it is accessible to parents. Compare children’s activities in each area of the facility with those identified in the plan to see if the plan is being followed.

business for how the classroom functions. This standard should be assessed by monitoring the providers routine schedule and plan of action for substitutes for this age group of children. If possible, providers are encouraged to use the same substitute when a substitute is necessary and ensure that all staff adhere to the planned activity schedule and room operation.

Providers are encouraged to advise parents or guardians of their child’s activities daily and to participate in the program’s activities.

10. Field Trip Permission

Parents or legal guardians must be advised in advance of each field trip activity. Written parental permission must be obtained, either in the form of a general permission slip or individual permission slips, or prior to each field trip activity.

- If the provider reports that the program does not take field trips and this can be reasonably confirmed by a review of the transportation log, mark this item “Not Applicable”.
- Parents must be informed of upcoming field trip activities by a notice (including date, time and location of the field trip) posted in a conspicuous place at least two working days in advance.
- Parental permission must be obtained by means of either a general or individual (per activity) permission slip.
- If notification of the event cannot be posted for 2 working days, individual permission slips for that specific trip must be obtained for each child participating on the field trip.
- Permission slips may be included in each child’s file, or centrally filed.
- Each vehicle shall be equipped with contact information, emergency medical consent and emergency care plans (if applicable) for each child being transported.



Required Documentation

Documentation of parental permission must be retained for a minimum of 4 months.



Look for...

Compare any posted notice with permission slips to determine if two days’ notice was given (if possible). Compare information provided about field trips with the [transportation log](#) and activity plan.

11. Child Discipline

The child care facility must inform the custodial parent or legal guardian of the disciplinary practices and expulsion policies used by the facility. All child care personnel of the child care facility must comply with the facility’s written disciplinary practices.

- Discipline includes verbal behavior correction, so in most cases this item can be monitored.
- The written policy must include age appropriate discipline practices and prohibit discipline that is severe, humiliating or frightening, or associated with food, rest or toileting. Spanking, or any other form of physical punishment, is prohibited. Children may not be denied active play because of misbehavior.
- Any observed discipline must comply with the written policy.
- Seek technical assistance from your supervisor in cases of questionable discipline practices.



Look for...

Review children’s files for parent signatures. If possible, observe staff interaction with children during disciplinary action.

- A copy of the facility's discipline and expulsion policies must be provided to the licensing counselor for review.

Technical Assistance Note: Provide references/resources such as the Guidance and Discipline course on the child care website or information from child guidance clinics, community colleges, and pediatricians.

Physical Environment

12. Facility Environment

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

- Carpets and floors must be clean and in good repair.
- There must be no blistered or peeling paint or wall paper.
- There may be no signs of insect/vermin infestation (bugs or rodents or their droppings).
- Furniture, equipment, or plumbing must be clean, free of rust and sharp corners, and must be in good repair.
- Repairs, or other activities that could endanger the health or safety of children, may not take place during operating hours, even in areas not occupied by children.
- All areas and equipment must be free of fire hazards, such as lint build up in heating and air conditioning vents, filters, exhaust fans, ceiling fans, and dryer vents.
- Common vaccinations for animals include rabies, parvo, bordatella, and other vaccinations. Some vaccinations may be specific to particular animals. Birds are not required to be vaccinated, but parrots and related birds may carry airborne diseases transmittable to humans, such as Psittacosis (symptoms are a drooping head, glazed eyes, and labored breathing).
- Ensure that there are no dangerous situations relating to animals (access to large dogs, constricting or poisonous snakes, or poisonous spiders). Poisonous and/or aggressive animals are prohibited.
- Parents must be informed, in writing, of all animals on the premises.
- Animals are prohibited in areas where food is prepared. If animals or birds are kept in classrooms as pets, they must be caged away from the food storage and preparation or service areas, and cages kept clean.



Required Documentation

The facility must have a *written* discipline and expulsion policy.



Look for...

Inspect all areas inside the facility for cleanliness and safety.



Required Documentation

Ask for documentation of animal vaccinations, as appropriate.

Parental notification of animals on the premises may include a conspicuously posted notice or bulletin, policy handbook, flier, or statement on the child's enrollment form.

- All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.
- Chipped or blistering paint, if within reach of children, may be considered a toxic hazardous material. Use judgment regarding whether to cite here or under “Clean/Good Repair”. If it is determined a violation, take some pictures of it – at least one close up and one to show the proximity to include items in the room so that it is clear where the violation was observed. Also, use a ruler or a business card in the picture to reference the size of the damage.
- Indoor and outdoor play areas must be inspected daily for health and safety and/or any problems must be corrected prior to use by children.
- Strangulation hazards must not be accessible to children.
- Tamper-resistant electrical outlet covers must be in place when electrical outlets are not in use.
- Guardrails or protective barriers must be provided at open sides of stairs, lamps, or other walking surfaces from which there is more than a 30-inch vertical distance to fall.
- Electrical devices that are accessible to children must not be plugged into an electrical outlet while a person is in contact with a water source.
- The facility must provide current written approval from the local governing body to verify compliance with building and plumbing requirements.
- If a facility is required to have a carbon monoxide detector, they must be tested monthly, batteries charged yearly and replaced according to manufacturer’s instructions. Documentation of testing must be maintained.



Look for...

Are countertops and other areas that are accessible to children free from toxic/hazardous items?

Look for cigarette butts and other evidence of smoking on the premises.

Inspect animal cages for cleanliness (no offensive odors). Observe to see that children are supervised while handling animals.



Look for...

Inspect all indoor and outdoor storage areas for proper labeling and safe storage.

13. Toxic Substances, Hazardous Materials and Weapons


- Are all substances (including the bleach bottle) labeled appropriately? Are they being used according to manufacturer’s instructions?
- No narcotics, alcohol, or other impairing drugs (or drug paraphernalia) shall be present on the premises. No firearms or weapons are allowed within any building or on any person located on the premises, excluding federal, state or local Law Enforcement Officers (or school guardians as defined by DOE as long as this individual has been screened and completed training in accordance with s. 20.15(3)(k), F.S.) A “firearm” is any weapon which will, is designed to, or may readily be converted to, expel a projectile. Examples include pistols, starter guns, shotguns, rifles, bows/cross bows, tasers and stun guns, slingshots, and self-propelled knives.
- No smoking is allowed within the child care facility, within the outdoor play area, during field trips, or in vehicles when children are present. The operator may not designate a smoking area in a child care facility which is defined as a “public place”.
- Parents/guardians must be notified in writing that smoking is prohibited on the premises of the child care facility.
- Toxic/hazardous materials must be inaccessible to children.
- All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools, shall be stored in locations inaccessible to the children in care.

Technical Assistance Note: Pest control or cleaning in rooms occupied by children should be cited in standard 13.10.

14. Lighting, Temperature and Ventilation

All rooms must have and maintain lighting the equivalent of 20-foot candles at 3 feet from the floor to allow for supervision and for safe methods of entering and exiting each room. For reading, painting, and for other close work areas, lighting must be equivalent to 50-foot candles on the work surface.

- During naptime lighting must be sufficient to visually observe and supervise children.
- Some activities require more light than others. Use your professional judgment.




Look for...

Measure "foot candles" using a light meter and visually observe the light level. Are exits visible?

An inside temperature of 65 to 82°F must always be maintained. All rooms shall be kept clean, adequately ventilated and in good repair. 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.

- Is the temperature within your comfort range?
- Are all rooms adequately ventilated, either by air-conditioning, fans, or open windows?
- If air conditioned, the system must be working properly.



Look for...

Measure temperature, using a thermometer. Compare your findings with the reading on the facility's thermometer or thermostat. Verify that that the air conditioning and heating systems are operational. Check air vents/air filters for dust accumulation.


All buildings, when the windows or doors are open, must have and maintain screens to prevent the entrance of insects or rodents.

- Facilities must have screens that are in good condition (no holes or tears) on all open doors and windows.

15. Licensed Capacity

The facility must always operate within the designated capacity.

- Count the children in the facility as you inspect it. Ask if any of the children are away from the facility on a field trip, as these children must be counted towards the total number of children in care and may not exceed the maximum capacity.
- The licensing counselor should try to inspect the facility during peak enrollment hours (after school) at least once per licensure year.
- Confirm the required 20 or 35 sq. ft. per child is maintained.
- The capacity for each room must be posted within each room.



Look for...

Make sure that the capacity is designated on the face of the license.

16. Indoor Floor Space

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.

- Indoor square footage will have been determined during licensure (refer to **Chapter 7: Capacity** for specifics regarding usable square footage).
- During the inspection, be observant about the activities taking place in each room to ensure that the room capacity is not exceeded. However, be somewhat judicious about how and when to cite noncompliance with square footage requirements. During special events or rainy-day activities (i.e., a puppet show or movie time) a large group may occupy one room, however the facility must maintain minimum square footage per child in accordance with the local fire authority requirements. This becomes an issue of supervision and staff-to-child ratios, rather than square footage.
- Infants must have open space outside of cribs. Infants birth to 12 months should have adequate time and space for activities that promote development of movement skills (tummy time, crawling, turning over, sitting). Infant seats (swings, bouncers) should be used for only short periods of time, no more than 15 to 30 minutes, no more than two times/day.
- Remember the exemption during transition periods; which only occur during the first 30 minutes of the day and the last 30 minutes of the day. Please be advised that ratios must be maintained during these transition periods.
- Indoor Recreational facilities or facilities that only provide Evening Child Care that do not provide outdoor play space, must have a designated indoor play space that promotes the development of gross motor skills.



Look for...

Using the floor plan, look for additions or changes in room arrangements that affect usable square footage. Observe activities in each room to ensure that room capacity is not exceeded.

17. Outdoor Play Area/Fencing

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.

- Outdoor square footage will have been determined during licensure (refer to **Chapter 7: Capacity** for specifics regarding outdoor square footage).
- For facilities which only provide evening child care and urban child care centers (centers where outdoor space is not available), outdoor play space is not required.



Look for...

Using the site plan, look for additions or changes to the outdoor play area that affect usable square footage. Observe the number of children in the play area to determine that the capacity is not exceeded.

The outdoor play area shall be **clean, free of litter, nails, glass and other hazards**. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided

- Outdoor hazards include, but are not limited to litter, nails, glass, poisonous plants, fire ant beds, flying insect nests, etc.
- The outdoor play area must include shade. Shade may be provided from the building itself, a shade tent, trees, or covered area (fixed or temporary).



Look for...

Walk the entire play area to ensure that it is free of hazards and includes a shade area. Observe staff to ensure that appropriate supervision is provided.

The facility's outdoor play area shall be fenced in accordance with child care regulations and local ordinances.

- Fencing must be continuous (free of gaps/breaks and gates must be closed and latched). Ensure that erosion has not occurred at the base of the fence that would allow children to exit, or animals or strangers to enter the outdoor play area.
- Fencing must be a minimum of four feet high. Note that excessive build-up at the base of the fence may reduce its height.
- The fence must prevent access to all hazardous areas, including pools, ditches, ponds, and equipment areas.
- The outdoor play area must have two exits, with at least one of the exits being remote from the building. For providers that were licensed prior to October 25, 2017, no new exits are required to be added to meet this standard. However, if the outdoor play area fencing is changed then the standard would apply and two exits would be required.
- Do not cite a school-age only child care program for lack of, or insufficient, fencing if the program has written approval from the licensing authority to operate without a fence, if the children using the outdoor play area are in five-year-old kindergarten and grades one or above, an additional staff member is present, and the 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.



Look for...

Walk the entire fence to inspect its condition. Measure the height of the fence, especially in areas with build-up at the base. Ensure that children do not have access to hazardous areas. For a school-age child care program without a fence, monitor to ensure that all requirements to operate without a fence are met.

18. Bedding and Linens

Each child in care must be provided safe and sanitary bedding when napping or sleeping.

- This item will always be monitored, even if children are not napping at the time of inspection.
- Each child must be provided safe and sanitary bedding. Sleep bedding includes beds, cribs, or mattresses (not an air or foam mattress). Nap bedding includes sleep bedding, cots, playpens, or floor mats. No double or multi-deck cribs, cots or beds may be used.
- 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.
- Floor mats, foam mattresses, air mattresses, and playpens are not appropriate for overnight care.
- Nap bedding is not required for school-age children, however, the program or facility shall provide an area per section 3.6.1 of the Child Care Facility Handbook., for those children choosing to rest.
- Floor mats/mattresses must be free from cracks, tears, rips and must be sanitized at least weekly (more often if necessary).
- If repaired, the mat must still be impermeable and able to be sanitized.
- Mats/mattresses must have an impermeable plastic covering. If unsure of a mat's impermeability, run a corner of the mat under water.



Look for...

Measure the thickness of random mats. Count bedding to determine if individual bedding is available for each child in care. Inspect bedding to see that it is in good repair and sanitary.

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 usages. Linens must be provided when children are sleeping and pillows and blankets must be available. Linens must be stored in a sanitary manner which prevents the spread of germs or lice from other linens.

- This item must be monitored even it children are not napping during the inspection.
- Excess bedding in cribs is prohibited.



Look for...

Inspect linens in use to see that they are not soiled. Ask staff how often linens are laundered.

19. Nap/Sleep Space Requirements

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

- A minimum distance of 18 inches must be maintained around individual napping and sleeping spaces. This item should be marked "Not Monitored" if children are not napping during the inspection.
- Two sides of a napping/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.



Look for...

Measure between mats/beds (head to toe and side to side).

- Napping and sleeping spaces must not be under furniture or against furniture that may create a hazard.
- Napping and sleeping spaces must not interfere with exit areas, which must remain clear in accordance with fire safety regulations.

20. Crib Requirements

Children up to one year of age must be in their own crib, port-a-crib or playpen with sides that meet federal crib safety requirements and operate properly. Children must be positioned appropriately.

- This item should be marked “Not Applicable” if the facility does not provide care for infants or toddlers in cribs. If cribs are used, the safety of the cribs themselves should be monitored at every inspection, even though children may not be napping.
- Beginning December 28, 2012, any crib provided by child care facilities must meet new and improved federal safety standards. The new standards take effect for manufacturers, retailers, importers and distributors on June 28, 2011, addressing deadly hazards previously seen with traditional drop-side rails, requiring more durable hardware and parts and mandating more rigorous testing.
- Must meet current federal guidelines outlined in Title 16, Parts 1219, 1220, & 1221 Code of Federal Regulations.
- There must be no more than 2-3/8” between slats and no excess space between mattress and crib sides.
- When napping or sleeping, young infants that are not capable of rolling over on their own are required to be positioned on their backs 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 (if so, this documentation shall be maintained in the child's record.) Documentation must include description of the sleep position and length of time the position is authorized by the physician.
- Cribs must be placed away from window blinds or draperies. A minimum of 18 inches of space between the crib and window must be maintained.
- Cribs or playpens/play yards must have tight fitted sheets and no excess bedding which includes but is not limited to the following: bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals and cushions. Note: Wearable sleep sacs that are designed for the child's hands to be free and not swaddled are acceptable.



Look for...

Measure crib slats and check all cribs for mattress fit.



Important Information!

If a provider purchases a crib prior to June 28, 2011 when the new crib standards go into effect for manufacturers, retailers, importers, and distributors, and they are unsure as to whether it meets the new federal standards, CPSC recommends the provider verify the crib meets the standard by asking for proof.

- Ask the manufacturer, retailer, importer or distributor to show a Certificate of Compliance. The document must:
 - Describe the product
 - Give name, full mailing address and telephone number for importer or domestic manufacturer
 - Identify the rule for which it complies (16 CFR 1219 or 1220)
 - Give name, full mailing address, email address and telephone number for the records keeper and location of testing lab
 - Give date and location of manufacture and testing
- The crib must also have a label attached with the date of manufacture

21. Restrooms and Bath Facilities

Each child care facility shall provide and maintain an appropriate number of toilet and bath facilities that are easily accessible and at a height usable by the children.

- The required number of toilets and sinks is specified on the [Capacity Calculator Summary](#) (see **Chapter 7: Capacity** for details regarding the required number of toilets and sinks).
- Toilets and sinks must be easily accessible and at a height usable by children. Platforms and stools may be used when they safely constructed, with impervious surfaces, that can be easily cleaned and sanitized or disinfected.
- Each sink and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.
- A toilet facility may not open directly into an area where food is *prepared* but may open into an area where food is *served*.
- Potty chairs do not count as toilets and, if used, shall be in addition to the toilet requirements and shall be cleaned and sanitized or disinfected after each use.
- 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.
- At least one portable or permanent bath facility shall be provided and be available for bathing children, unless the program exclusively serves school age children.
- The portable or permanent bath facility must be clean and sanitized or disinfected after each use.
- A large portable tub and hose is acceptable for use as a bathing facility.



Look for...

Are toilets and sinks accessible?
 Are platforms safe, secure and sanitized?
 Does the number of toilets match the number that is documented on the most recent Capacity Calculator Summary?
 Inspect potty chairs for cleanliness. Is the potty chair placed in a location that will allow for supervision and ease of clean up?
 Flush toilets and turn on sinks to see that they are fully operational.

- Running water, toilet paper, soap, trash receptacles, 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.
- A sufficient amount of supplies/equipment must be provided and placed within the reach of children.
- Shared towels are not acceptable.

Technical Assistance Note: Liquid, anti-bacterial soap is preferred. Rationing of paper products should be discouraged.

22. Operable Phone

There shall be at least one operable corded telephone which is neither locked nor located at a pay station that is available to all staff during the hours of operation.

- Portable phones may be used, but at least one corded phone must be available (because most portable phones are not operable during a power outage).



Look for...

Check each bathroom and hand-washing area to see that all required supplies are available and placed within reach of children. If using hand-drying machines, check to see that they are operational.



Look for...

Pick up the corded phone at every inspection to ensure that it is operable.

23. Fire Drills & Emergency Preparedness

During the facility's operating year, fire drills shall be conducted monthly at various dates and times when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and must be used to account for all children. The fire drills conducted must include, at a minimum:

- One fire drill during the established napping/sleeping time.
- One fire drill using different alternative evacuation routes.
- One fire drill in the presence and at the request of the licensing authority in coordination with the operator or designee.
- The log should record the start time and end time, so that the licensing counselor can determine that drills are conducted at different times of the day.
- All children and staff must evacuate the building.
- The facility must properly maintain fire extinguishers with a minimum rating of 2A10BC at all times.



Required Documentation

The operator must maintain a log that records the date of each drill, number of children and staff in attendance, and the evacuation route used, and time taken for evacuation. Each [fire drill record](#) must be maintained for a minimum one year from the date of the fire drill.

- The fire extinguishers must have current certificates
- All staff must be trained in the use of a fire extinguisher within 30 days of employment.
- Travel distance to the nearest fire extinguisher shall not be more than 75 feet from the rooms occupied by children.
- A fire extinguisher must be present in areas where food is prepared.
- A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file. Note: Remind providers to request the fire inspection in the months leading up to their license renewal date to ensure it is completed timely.
- Fire exits must always remain clear.
- When children are napping on the floor, make sure that the pathway to the door is clear.
- Automatic range-top suppression systems are required in the kitchen for facilities that produce steam or grease laden vapors or shallow fry or deep fry food.
- Suppression hood systems must be maintained in accordance with the Florida Fire Prevention Code as adopted in Chapter 69-A-60, F.A.C.



Look for...

Inspect each doorway to see that it is operable and is not blocked by furniture, children napping, etc.

A written emergency preparedness plan must be available and include, at a minimum, procedures to be taken by the facility during a fire, evacuation, relocation, lockdown and inclement weather (for example hurricanes, tropical storms, or tornadoes), and to facilitate parent/guardian reunification. The plan shall describe how the facility will meet the needs of all children, including children with special needs, during and following an emergency event.

- Emergency preparedness drills must 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, and may substitute for up to three monthly fire drills. Documentation of drills 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 the children.
- 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 individuals to complete the drill must be maintained and posted in a conspicuous place.
- Documentation of conducted fire and emergency preparedness drills must be available at the time of inspection. Documentation produced after the inspection will not meet the licensing standard or corrective action requirements.
- After a fire, man-made, 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.
- The provider is required to prepare and post an emergency evacuation plan, including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility.
- A copy of the plan must be posted in each room of the facility.
- A written plan for reporting and managing any incident or unusual occurrence that is threatening to the health, safety, or welfare of children and staff is required.



Look for...

Ensure that an accurate evacuation plan is posted in each room of the facility.

Technical Assistance Note: Recommend that the operator conduct drills more frequently in the event of high staff turnover. In the event, a provider has missing monthly drills request an impromptu drill during the inspection. Additionally, if there were more than one drill missing, instruct the provider to complete multiple drills in the following months to make up for the missed drills.

Food and Nutrition

24. Food Preparation Area

A food preparation area is a designated room, such as a kitchen, or designated space in a facility not used in normal day-to-day operations and not included when calculating usable indoor floor space.

- The food preparation area must be clean and free of dust, dirt, food particles, pest and grease deposits.
- The floor/floor covering must be non-absorbent and easily cleaned.
- Food contact surfaces must be smooth and non-absorbent with no unsealed cracks or seams.
- Ceiling must be easily cleanable or replaceable in the event of water and other damage, mildew or mold.
- Ventilation must be provided to provide fresh air and control of unpleasant odors.
- Leakproof, nonabsorbent containers must be used for food waste and emptied, cleaned and sanitized or disinfected at least daily.
- Staff working in the food preparation area must wear proper head covering (hair net, hat) and to prevent barehand contact with ready-to-eat food, disposable gloves, utensils, or similar items are to be used.
- A separate handwashing station is required. The handwashing sink may not be used for anything other than handwashing.
- Poisonous/toxic chemicals or cleaning products may not be stored on shelves above food preparation areas and/or food products intended for human consumption, unless placed in impermeable bins.

25. Meals and Snacks

The facility is not required to provide food; however, if the facility chooses to supply food, nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children must be provided.

- This item may be marked “Not Applicable” if a facility chooses not to supply food.
- If the facility does not provide food, it must make arrangements with the parent or guardian to provide for a child’s meal/snacks. Food provided by parents must be stored and handled properly to prevent contamination and spoilage.
- If child forgets his or her bag lunch, one must be provided.
- If the facility does supply food, breakfast must 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.

- Food must be age appropriate. Foods associated with choking hazards must not be served to children under 4 years of age. (i.e., no hot dogs for infants).
- Food served in the facility must be in sound condition, free from spoilage and contamination and safe for human consumption and always stored and handled in a sanitary manner.
- Food prepared or partially prepared outside of the facility must be prepared by a caterer or licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.
- Meat, poultry, fish, dairy products, and processed foods must be inspected under the USDA requirements.
- No raw milk or unpasteurized juice may be served with written consent of parent or legal guardian.
- No home-canned food, home-grown eggs or recalled food products can be served and raw fruits and vegetables must be washed thoroughly before being served or cooked.
- Hot and cold foods must be maintained at appropriate temperatures and the facility must have adequate equipment to ensure maintenance of appropriate temperatures. Note: The provider must maintain a working thermometer in the refrigerator/freezer units and use a probe type thermometer to test food during cooking. If the provider's thermometer is registering a temperature higher than the 41 degrees Fahrenheit, place your thermometer in the refrigerator and continue with your inspection. Check the temperature again in about thirty minutes.
- Food must be thoroughly cooked and/or reheated to the appropriate temperature.
- If food is supplied to children as a result of a learning activity, such as a garden, the facility must ensure the food is safe for human consumption.
- Food must be sufficiently cooled before children are permitted to eat. Cooling time should not exceed 15 minutes.
- Parents or legal guardians must be advised in advance of each-food related activity, such as special occasions and learning activities, involving food consumption and provide written permission for their child to participate. Documentation of permission must be maintained for a minimum of four months from the date of the activity.
- Special food restrictions must be shared with staff and must be posted in a conspicuous location.



Look for...

Observe the food being fed to children. Is it age-appropriate? Is food provided by parents refrigerated or have cool packs inside the lunch box?



Required Documentation

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 facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file. Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

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

- Safe drinking water must be available to all children, both inside and during outdoor play.
- The water source may be a drinking fountain, water cooler/insulated thermos, or individually packaged water bottles.

Technical Assistance Note: If the water source is questionable, consult with the Environmental Health Unit. If a well is the water source for the program, ask for a copy of the current well permit from either the Department of Health (DOH) or the Department of Environmental Protection (DEP) depending on the size of the well. Advise providers to follow [boil water notices](#) when issued for their county until the notice is lifted.



Look for...

Check the water source to see that it is operational and appears clean. If the facility has a well system, they must maintain current written records indicating the well system meets the requirements of the Department of Health on an annual basis.

26. Meal and Snack Menus

Meal and snack menus shall be planned, written, dated and posted at the beginning of each week.

- This item may be marked “Not Applicable” if a facility chooses not to supply food.
- The menu must be posted in a place that is accessible to parents at the beginning of each week.
- The menu must be consistent with what is being served, with any substitutions documented on the posted menu.
- Meals and snacks prepared outside the facility, such as catered food, must be listed on the menu along with the source of the prepared food.
- Daily meal and snack menus shall be maintained for a minimum of four months.



Look for...

Review menus and observe food being fed to children. Have substitutions been noted on the menu?

27. Catered Food and Food Provided by Outside Sources

Food prepared or partially prepared outside of the facility must be prepared by a caterer or licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

- This item may be marked “Not Applicable” if a facility chooses not to utilize a caterer or other outside source.
- Food provided by an outside source such as a caterer must be free from spoilage and contamination and safe for human consumption and stored and handled in a sanitary manner.
- For catered food, the facility must document the date, time of arrival, quantity and types of food, condition of food and temperature of food when received.
- A [Food Acceptance Log](#) shall be maintained for a minimum of four months for all pre-prepared meals being transported into the facility. Note: A log is not required for each

grocery store visit, deliveries (ie: pizza or food truck), or for ready-to-eat food that is picked-up by an employee of the facility and served immediately.

28. Bottles, Breastmilk, Formula and Infant Food

Food/beverages must be appropriately stored and labeled.

- Prepared bottles/formula must be refrigerated when not in use and not left in the infant's crib.
- Each child's bottle or sippy cup must be clearly marked with their first and last name.
- Sippy cups and bottles brought from home must be returned to the parent/guardian daily.
- The temperature of heated foods and bottles must be tested before feeding to children to prevent injury.
- Bottle warming devices and/or the cords attached to them must not be accessible to children. Bottles may not be heated in a microwave.
- Breastmilk or formula must not be fed to the wrong child. Should this happen, an incident report must be filled out and parents/guardians must be notified immediately.
- Baby food jars previously opened must not be accepted at the center. Baby food fed directly from the jar must be discarded and not used for more than one feeding. Multiple children may not be fed directly from the same container/bowl of baby food.
- The provider may obtain information for preparing, storing and handling powdered infant formula from the World Health Organization's Safe Preparation, Storage and Handling Infant Formula Guidelines.
- The provider must have and follow written procedures for preparation and storage of expressed breastmilk.



Look for...

Observe to see that bottles and sippy cups are properly labeled and refrigerated while not in use. If possible, observe to ensure that staff tests the temperature of foods/liquids prior to feeding children.

29. Health and Sanitation

Employees, volunteers, and children must follow proper hand-washing procedures per the guidelines outlined by the [Centers for Disease Control, form CS221687C, January 2013](#). If children are sleeping overnight in the facility, child care staff must also ensure that accepted bedtime routines, such as brushing teeth and washing faces and hands, are followed.

- This item may be marked "Not Monitored" if no diapering, toileting, handwashing, or dishwashing occurred in the inspector's presence.
- Employees, volunteers, and children must immediately wash and dry their hands prior to administering medicine, prior to food preparation, and after toileting, assisting with toileting, diapering, and after outdoor play.
- Hand hygiene procedures must be posted in food preparation, diapering and toileting areas.
- Hands must be washed with soap and running water and dried thoroughly. The use of hand sanitizers does not substitute for hand washing.
- During overnight care, staff must ensure that children wash their faces and hands and brush their teeth.



Look for...

Try to observe diapering and/or toileting at every inspection to see that proper hand washing techniques are taking place. Ensure that there are no bottles, "sippy" cups, or other dishes in a drainer next to the hand-washing sink.

- Toothbrushes must be stored so that they cannot touch each other.

For facilities preparing food:

- The hand washing sink is not to be used for food preparation or washing dishes.
- Non-disposable food equipment, tableware, and utensils used for food preparation and consumption must be properly cleaned and sanitized.
- A test kit must be available and used to confirm appropriate concentration of sanitizing solution used for warewashing.
- If hot water is used for sanitizing, the dishwasher must achieve a temperature of 160 degrees Fahrenheit on the surface of equipment/dishes/utensils being washed. The facility must have a means of measuring the temperature by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine.
- The facility must have an installed three compartment sink or an installed two compartment sink with a non-stationary or portable compartment receptacle.

Technical Assistance Note: Hand-washing signs should be posted in the employee bathroom(s).

Single Service Items

Single service items may not be reused. Single service items include disposable (paper, plastic, or Styrofoam) plates, utensils, drink bottles, and cups.



Look for...

Observe the use of single service items. Are they discarded after each use, or are they in the sink or drainer?

30. Diapering

When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution or disinfected after each use. Children must always be attended when being diapered or when changing clothes. There shall be an ample supply of clean diapers, clothing, and linens at all times, which shall be changed or removed promptly when soiled or wet.


- This item may be marked “Not Applicable” if the facility has no children in diapers. However, this item may still be applicable if a child not in diapers has a toileting accident.
- The diaper changing area must be physically separated from the food preparation, food service, and feeding area.
- A hand-washing station that includes a sink 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 are in care. Handwashing sinks shall not be used for food service preparation or food clean up.
- The diaper changing area must be covered with an impermeable surface, which must be replaced and/or cleaned and sanitized or disinfected after each use.
- Hands shall be washed and dried thoroughly after each diapering or toileting procedure, and all surfaces touched must be cleaned and sanitized or disinfected after each use to prevent the spread of germs.



Look for...

Observe staff changing diapers, if possible. Observe children to determine if their diapers are changed in a timely manner.

- Items unrelated to diaper changing may not be stored in the diaper changing area or on the diaper changing table itself.
- Soiled diapers must be properly disposed in an appropriate container that is properly maintained.
- Soiled disposable diapers must be placed in secured, covered, and lined container that is not accessible to children.
- Cloth diapers must be emptied in the toilet and placed in a covered container that is not accessible to children.
- All diaper containers must be emptied and sanitized at least once daily.



Look for...

Inspect the diaper changing area and watch staff changing diapers to see how diapers are disposed of.

31. Indoor Equipment


A child care facility must have a sufficient number of toys, equipment and furnishings suitable to each child's age and development. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

- Toys, equipment, and furnishings must be age and developmentally appropriate. For example, there must be no projectiles or small removable parts on toys for infants/toddlers.
- “Sufficient” means a quantity large enough for each child to be involved in activities.
- There must be a sufficient variety of toys and equipment to facilitate the development of fine and gross motor skills and cognitive development.
- Toys, equipment, and furnishings must be safe and sanitary, and must be cleaned and sanitized or disinfected immediately if exposed to bodily fluid, such as saliva. Ask personnel how often the toys are cleaned. Look for evidence such as a dirty pail or an area of the counter for air-drying toys after cleaning.
- There must be sufficient age-appropriate seating at meals. On occasion, meals and snacks may be served outdoors, picnic-style (i.e., eating on the ground on blankets).
- Any open containers of water must be emptied immediately after use.



Look for...

Check toys, equipment, and furnishings to see that they are age-appropriate, safe, and sanitary. Ask staff how equipment and toys are maintained and sanitized.



Look for...

Observe to see that sufficient seating is provided and that it is age-appropriate.

Technical Assistance Note: Suggest a variety of toys, including washable stuffed toys and encourage providers to monitor the Consumer Product Safety Commission (CPSC) recommendations for use of equipment.

32. Outdoor Equipment

A child care facility must provide and maintain outdoor equipment and play activities suitable to each child's age and development. Maintenance must include inspections every month of all supports, above and below ground, and all connectors and moving parts. Documentation of maintenance inspections shall be retained for two years.

- The outdoor play area must have sufficient outdoor play equipment and activities to meet each child's age and development needs.
- All playground equipment must be properly installed and anchored, unless portable by design.
- All playground equipment must be maintained in a safe condition and in good repair (no rust, sharp/broken/jagged edges, peeling paint, etc.).
- Equipment must be sufficiently spaced and have a minimum of 6" in depth of loose ground cover or other shock absorbing protective (resilient) surfacing under the equipment and within the fall zone. Use a measuring tool to confirm depth of loose materials. Take a picture. Ask for installation documents for pour-in-place/unitary protective surfaces. DO NOT attempt to measure the depth of these surfaces as this would damage the surface. Instead use the documentation to confirm the ASTM test results. Look for the date of warranty.
- Equipment must not hold standing water that allows for the breeding of insects.
- Any open containers of water must be emptied immediately after use.
- Sandboxes must be covered at the end of each day.



Look for...

Check above and below ground anchors, footings, and connectors. Are S-hooks closed? Is equipment age appropriate and in good repair? Is equipment placed properly to prevent overcrowding? Check for areas where water can collect and breed insects. Check depth and medium of fall surface under equipment to make sure that it is resilient.

Training

33. Training Requirements

Introductory Training

- If hired prior to October 1, 1992, child care personnel must have documentation of the required 20-hour training, unless exempt.
- If hired on or after October 1, 1992, child care personnel must have documentation of the required 40-hour training, unless exempt.
- Training must be commenced within 90 days of employment and completed within one year.
- See the [Child Care Facility Training Matrix](#) for detailed information regarding which staff is exempt from training by virtue of their position.
- Staff who left the child care industry in compliance with the training requirements must complete any new training requirements within 90 days of re-employment in the industry.



Required Documentation

After October 1, 2010, all introductory training must be documented on the Training Transcript; certificates (CF-FSP Form 5267) will no longer be accepted. As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid and must be retaken. Until the coursework is retaken and completed, the facility will be out of compliance. Training Exemptions are documented on the training transcript or Staff Credential Verification form (CF-FSP 5206).

- Staff that leaves the child care industry not in compliance with the training requirements must complete required training prior to re-employment.
- Child care personnel in compliance with the school-age requirements in section 4.2 of the School-Age Child Care Licensing Handbook., are considered in compliance with the child care personnel training requirements.
- 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.
- Foster Grandparents working in facilities must 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; Special Needs and Appropriate Practices. Online or instructor-led courses can be used to meet the 100% attendance requirement. Foster Grandparents are not required to take competency exams. Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility.

Literacy Training

- All child care personnel are required to complete 5-clock-hours or .5 documented continuing education units (CEU) of training in early literacy and language development of children from birth to 5 years of age, as approved by the Department. School-age programs are not required to complete this training requirement.
- Child care personnel hired must complete the literacy training within 12 months of date of employment.
- This requirement can be met through the completion of one of the Department's online literacy courses, a department-approved literacy course, or a college level literacy course. Refer to the Department's list of approved literacy training found online at www.myflorida.com/childcare/training.
- See the [Child Care Facility Training Matrix](#) for detailed information regarding which staff is exempt from training by virtue of their position.

Special Needs Training

- The director is required to complete a minimum of 8 hours of basic training in serving children with disabilities within five years after employment, either as part of the Introductory Training (Part II Special Needs Appropriate Practices) or as part of annual in-service training. This training will probably have been taken in the process of obtaining a Director Credential.

Safe Sleep/Shaken Baby Syndrome Training

- All child care personnel, substitutes and volunteers working in a facility that offers infant care must complete safe sleep training within 30 days of employment. Health, Safety and Nutrition course, the department's Safe Sleep course or the ELFL Safe Sleep Practices are accepted trainings. The training must be maintained on the department's Training Transcript.

Fire Extinguisher Training

- All staff must be trained in the use and operation of a fire extinguisher within 30 days of employment.
- Facility must maintain documentation of this training.

Annual In-service Training

Upon completion of the Part I and Part II introductory training requirement, staff must complete a minimum of 10 clock hours or one CEU of in-service training annually.

- Training must be in one or more of the following areas:
 - ✓ Health and safety, including universal precautions
 - ✓ Pediatric CPR
 - ✓ First Aid (this training may only be taken to meet the in-service requirement once every three years)
 - ✓ Nutrition
 - ✓ Child development - typical and atypical
 - ✓ Child transportation and safety
 - ✓ Behavior management
 - ✓ Working with families
 - ✓ Design and use of child-oriented space
 - ✓ Community, health and social service resources
 - ✓ Child abuse
 - ✓ Child care for multilingual children
 - ✓ Working with children with disabilities in child care
 - ✓ Playground safety
 - ✓ Literacy
 - ✓ Guidance and Discipline
 - ✓ Computer Technology
 - ✓ Leadership development/program management and staff supervision
 - ✓ Age appropriate lesson planning
 - ✓ Homework Assistance for school age care
 - ✓ Food safety training
 - ✓ Developing special interest centers/ spaces and environments
 - ✓ Other course areas relating to child care or child care management
 - ✓ Any of the online courses offered through the department's child care website
- Training must be completed during the state's fiscal year (July 1 – June 30).
- Mandated 40-hour introductory training Parts I and II may be used to meet the annual in-service training requirement during the first fiscal year of employment.
- All child care personnel employed in the industry beyond 15 months, who change employment from one child care program to another during the fiscal year must complete the annual in-service training requirement.
- Child care personnel not in compliance with the annual in-service training requirement must complete the remaining in-service training requirement within 30 days of the noncompliance finding. These hours cannot be used to meet the current year's in-service training requirements.
- See the [Child Care Facility Training Matrix](#) for detailed information regarding which staff is exempt from training by virtue of their position.

Technical Assistance Note: Suggest that staff take the 10 hour modules for in-service training.



Required Documentation

In-service training must be documented on an In-Service Training Record (CF-FSP Form 5268) with required supplemental documentation included in the employee's personnel file at the facility.



Look for...

Review all personnel files. Check for new staff that may not yet have a personnel file.

34. Credentialed Staff

Staff Credentials

Every licensed child care facility must have a minimum of one credentialed staff person for every 20 children.

- The required number of credentialed staff are calculated beginning with the 20th child, as follows:

20 – 39	1 credentialed staff person
40 – 59	2 credentialed staff persons
60 – 79	3 credentialed staff persons, and so on.

- The required number of credentialed staff is to be calculated based on actual daily attendance, not including school-age children in care.
- Child care personnel meeting the staff credential requirement must work at the facility a minimum of 20 hours per week. For those facilities that operate 20 hours or less per week, a credentialed staff person must be on-site during all operational hours.
- Credentialed staff is not required during lunch and nap-time, or for facilities with 19 or fewer children, facilities operating less than eight hours per week, or evening child care.
- Staff with inactive credentials may not be counted to meet the staff credential requirement.

Director Credential

Every child care facility must have a credentialed director who is on-site a majority of hours that the facility is in operation, except for weekend and evening child care.

- A credentialed director may supervise multiple before-school and after-school sites.
- The director credential must be active and maintained at the facility for review by the licensing authority.
- The facility must notify the licensing authority within 5 working days of the loss of the credentialed director or when there is a change of director.



Required Documentation

Staff credentials must be documented on the individual's Training Transcript included in the employee's personnel file at the facility.



Look for...

Review all personnel files of credentialed staff. Review the attendance log to see that a sufficient number of credentialed staff is present. Review the work schedules of credentialed staff to see that they work the required number of hours.



Required Documentation

CF-FSP Form 5252 must be maintained at the facility in the director's personnel file.



Look for...

Review the director's personnel files. If the director has changed since the last inspection, ensure that the facility complied with the notification requirement.

Health Requirements

35. Communicable Disease Control

Children in care shall be observed daily for signs of communicable disease. Any child, child care personnel or other person in the child care facility suspected of contributing to the transmission of the illness, is not adequately immunized when there is an outbreak of a vaccine-preventable disease, or the circulating pathogen poses an increased risk to the individual, they shall be removed from the facility or placed in an isolation area until removed, and may not return unless cleared by the Department of Health or the primary physician determines the risk of transmission is no longer present.

- The isolation area must 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. Until cleaned, the used linens shall be kept in a closed container in the isolation area. Disposable items must be kept in a closed container in the isolation area until thrown away.
- The isolated child must always be within sight and hearing of a staff person.
- The child must be carefully observed for worsening conditions.
- A child who has head lice will not be permitted to return until the following day and only if treatment has been completed and verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent or legal guardian that treatment has occurred. The areas, equipment, toys, and furnishings with which the child had contact must be treated.
- Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease, and must follow the health department's direction.



Look for...

Observe to ensure that no symptomatic child or staff person is in contact with asymptomatic children. Determine whether the facility has an appropriate isolation area. If a child is using the isolation area, is he or she properly monitored by staff?

36. CPR Requirements

Each child care facility must have at least one staff member with a valid certificate of course completion for training in infant and child cardiopulmonary resuscitation procedures. One staff member satisfying these training requirements shall always be present during operational hours (both on-site and on field trips). Drivers must also have this training.

- By October 25, 2019, all Child Care Personnel must complete pediatric CPR training.



Required Documentation

A valid pediatric CPR certificate must be included in the personnel file of the on-site staff person and the driver.

- In order to be valid, certification must be in *pediatric* CPR.
- The certification must be current and valid for maximum of three years.
- Training may be instructor-based or online Pediatric CPR courses. Both types must include an on-site skills instructor-based assessment by a certified CPR instructor.



Look for...

Ask the director to identify all staff with pediatric CPR certification. Review their personnel files to ensure that certification is valid.

37. First Aid Staff/First Aid Kit

First Aid Training

At least one staff person who has a current and valid First Aid certification must always be present for the care of children both on site and on field trips, and during all transportation activities.

- Certificates of course completion are valid based on the time frames established by each first aid training program, not to exceed three years.
- The driver must also have First Aid certification.
- By October 25, 2019, all Child Care Personnel must complete First Aid training.



Required Documentation

A current and valid First Aid Certificate must be included in the personnel file of the on-site staff person and the driver.

First Aid Kit

A complete first aid kit, that is labeled “First Aid”, must be on site at facility, and always with staff on field trips.

- The first aid kit must include the following:
 1. Soap (to be used with water) and or hand sanitizer (for use when water may not be available)
 2. Adhesive bandages
 3. Disposable latex gloves
 4. Cotton balls or applicators
 5. Sterile gauze pads or rolls
 6. Adhesive tape
 7. Digital thermometer
 8. Tweezers
 9. Pre-moistened wipes
 10. Scissors
 11. Bottled water (cleaning wounds or eyes), and
 12. A current resource guide on first aid and pediatric CPR procedures



Look for...

Ask the director to identify all staff with First Aid certification. Review personnel files to ensure that certification is current and valid.

Check the contents of each first aid kit for completeness. Check to see that the kit is properly labeled. Does staff know where the kit is stored? Is it accessible to children?

- The kit must be closed and accessible to staff, but kept out of reach of children. If the kit is stored in a food preparation area it must be stored in a manner to prevent contamination of food, food contact surfaces, or first aid supplies.

38. Emergency Telephone Numbers

Emergency phone numbers must be posted on or near all phones.

- Posted numbers must include ambulance, fire, police, poison control center, and the Florida Abuse Hotline numbers.
- Posted information must also include the address and directions to the facility (including landmarks and intersections).



Look for...

Check each phone to see that required information is posted and complete. Check each room to see that the emergency evacuation plan is posted. Walk the evacuation route to see that the plan is accurate and the route is clear.

39. Accident/Incident Notification & Documentation

Custodial parents or legal guardians shall be notified immediately in the event of any accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur. If the parent or legal guardian does not pick up the child on the day of the occurrence of the accident/incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

- If the custodial parent or legal guardian cannot be reached, the facility operator 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.
- After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, in order for the Department or local licensing agency to ensure health standards are being met for continued operation.



Required Documentation

Documentation (in the form of a log or individual reports) must include the name of the affected party, the date and time of occurrence, description, actions taken and by whom, and signatures of staff and parents. Documentation must be maintained for one year from the date of the incident.



Look for...

Review the log or individual forms to see that incidents were recorded and parents notified on the date that the incident occurred and that documentation is complete.

Technical Assistance Note: Suggest that providers document the condition if a child arrives with injuries. Inaccurate or false documentation is a violation.

40. Medication

Prescription and non-prescription medication must be appropriately labeled, stored, dispensed, and documented.

- If a child care facility does not dispense medication, this item may be marked “Not Applicable” provided a comment is included that explains that the facility does not dispense medication.
- Diaper cream, insect repellent and sunscreen require parental permission and must be applied according to manufacturer’s instructions. No documentation is required each time these items are used unless prescription strength and prescribed by a physician.
- Child care personnel must ensure sun safety for themselves and the children under their supervision.
- If the facility *does* dispense medication, the facility must comply with the following requirements:
 - ✓ **Authorization.** The facility must have [written authorization from the custodial parent or legal guardian to administer medication](#). For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Medication given on an “as needed” basis must have documentation to describe the symptoms that would require the medication to be given.
 - ✓ **Storage.** Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container and appropriately labeled. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. Medication must be stored at the appropriate temperature. All medicines 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. If medication is stored in the food preparation area it must be stored in a manner to prevent contamination of food, food contact surfaces, or medication. 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 in care at the facility.
 - ✓ **Training.** Prior to dispensing medication to children, child care personnel responsible for administering medication must have completed training. (This training can be provided by the Department of Health, or a parent that has been trained by medical personnel on the required medication/medical equipment.)
 - ✓ **Dispensing.** All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer’s label. In the event of an emergency, non-prescription medication that is not brought in by the

Look for...

Review the log and children’s files to ensure that medication was dispensed properly. Review the medication storage area to ensure that medication is stored properly.

Required Documentation

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 must be maintained for a minimum of four (4) months after the last day the child received the dosage. Any known allergies to medication or special restrictions must be documented, maintained in the child’s file, shared with staff and posted with stored medication.

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.

- ✓ **Documentation/Notification.** Any non-prescription medication dispensed in an emergency must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file. Special restrictions for medication must be shared with staff and must be posted with stored medication.

Record Keeping

41. Immunization Records

All records required to document compliance with Section 402.305, F.S., must be maintained at the facility and available during the hours of operation for review by the licensing authority.

- Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.
- Children's and staff records must be maintained on site at the facility.
- The facility is responsible for notifying parents when immunizations must be updated.
- The facility must issue a general statement to parents/guardians that some children in care may not have current immunizations.
- Licensing staff must be allowed to access these records for review during the inspection.



Look for...

Were you allowed access to records without incident?

42. Student Health and Records

Within 30 days of enrollment, unless statutorily exempted, each child shall have a completed student health examination and a current certificate of immunization on file at the facility.

- If the community health nurse inspects this item, the licensing counselor is required to track any items that are out of compliance.
- Immunizations received out of state are acceptable, however, immunizations must be documented on [DH Form 680](#) and signed by a physician practicing in the State of Florida.
- Documentation of a health examination and immunizations must be signed by a physician or authorized licensed medical personnel.
- The [Student Health Examination](#) is valid for 2 years from the date the physical was performed.
- Children with or at an increased risk of having a chronic physical, developmental, behavioral or emotional condition and require additional services must have a current Emergency Care Plan included in the child's file. Child Care Personnel must be trained to recognize and respond appropriately to a medical emergency.

Technical Assistance Note: Recommend that providers exceed the requirement by requiring physicals/immunizations at the time of enrollment.

43. Enrollment Information

- Written parental consent is required before for a child may participate in activities conducted by child enrichment providers.
- There must be a file for each child in the facility that contains the following information/documentation:
 1. A complete enrollment form that includes emergency contact information (doctor and person to contact in case of emergency), schedule information, and release authorizations (name, address and phone number)
 2. A signed statement acknowledging receipt of "Know Your Child Care Facility" brochure and written notification of the facility's discipline and expulsion policies
 3. Annually, during the months of August and September, parents of children enrolled in the child care facility must be provided with information detailing the causes, symptoms, and transmission of the influenza virus
 4. Acknowledgement of facility's disciplinary and expulsion policies
 5. Acknowledgement of food and nutrition policies
 6. Emergency Care Plan (if applicable)
 7. Parent/guardian consent for child care personnel to have access to child's records (on the [CF-FSP Form 5219](#) - if an equivalent form is used look for the statement)



Required Documentation

The Student Health Examination must be documented by a completed Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the health examination.

Immunizations must be documented by DH Form 680, Florida Certification of Immunization Part A-1, B, or C, or DH Form 681, Religious Exemption from Immunization.



Look for...

Review all children's files to ensure that medical records are complete and up-to-date.



Required Documentation

Enrollment information must be documented on [CF-FSP Form 5219](#), or an equivalent form that contains all the information required by the Department on CF-FSP Form 5219.


8. Effective July 1, 2018, providers are required to provide parents with information regarding the potential for distracted adults drivers. This communication campaign must be done two times a year, during the months of April and again in September. Providers may develop their own brochure/flyer or use materials developed by the Department.

Technical Assistance Note: Consider creating a “model” children’s file as a teaching tool for operators.

44. Personnel Records

The provider is responsible for maintaining a current personnel file for each employee, volunteer, substitute and household member in a child care facility. Files must include:

- A completed application for employment with supplemental statement “ever had licensed denied, suspended or revoked” (child care personnel only).
- Documentation of position and date of employment.
- Copies of training documentation and credentials.
- A [CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements](#), signed annually acknowledging responsibilities regarding the reporting of abuse and neglect.
- Prior to volunteering in a child care facility, a [CF-FSP 5217, Volunteer Acknowledgment](#), must be completed and on file at the child care facility for the volunteer.



CARES Reminder


A Social Security number, Driver’s License number, Tax Id or Passport number is required to enter child care personnel into the Licensing Application.

Technical Assistance Note: Consider creating a “model” personnel file as a teaching tool for operators.

45. Background Screening Documents

Personnel records must include proof of compliance with Level 2 screening requirements (see [screening matrix](#) for required components of screening for each type of staff position and **Chapter 6: Background Screening** for details).

- A completed CF-FSP Form 5131, Background Screening and Personnel File Requirements, which includes a 5-year Employment History check.
- All persons subject to screening must be cleared through Level 2 screening through the Clearinghouse prior to employment. All personnel subject to screening must have a screening eligibility date in the Clearinghouse for DCF Child Care on or after July 1, 2016. This date must be entered into CARES personnel records by the licensing counselor. (Pursuant to HB 1125, all Child Care Personnel were required to be rescreened by September 31, 2017.)
- An [Attestation of Good Moral Character \(AGMC\)](#), CF Form 1649A, must be completed by all personnel at the time of initial screening or upon change of employers.
- Rescreening which includes state and federal criminal records checks must be conducted in a timely manner (every five years).
- Child care personnel must be rescreened following a break in service that exceeds 90 days unless the break in service is due to reasons such as maternity leave, extended sick leave or temporary program closures such as seasonal migrant child care programs.



Required Documentation

Hard copies of screening results and completed [CF-FSP Form 5131](#) must be maintained in the personnel file of each person subject to screening.

- All screening completed between July 1, 2016, and December 15, 2016, will have a letter from the department informing of a search conducted of the Florida’s child abuse and neglect registry. All personnel screened after December 15, 2016, will have this notification on the Clearinghouse Eligibility form.
- Individuals that lived outside of the state of Florida within the last five years, a copy of the out-of-state child abuse and neglect registries.
- Individuals that lived outside of the state of Florida within the last five years, a copy of the out-of-state sexual offender/predator registries.
- Child enrichment service providers must provide documentation from the Clearinghouse of compliance with Level 2 screening requirements prior to providing services to children.


Important Note: If the licensing counselor discovers staff of the child care facility to be out of compliance with background screening, the counselor will provide technical assistance regarding screening requirements to the facility director, including an explanation of the process for completion, and a corrective action plan.

Regarding corrective action, child care personnel found to be out of compliance with BGS requirements will be allowed to continue working until the end of the work day, however, they will not be allowed to return to the facility until they have been cleared through level 2 screening

46. Daily Attendance

Daily attendance of children must be taken and recorded by child care personnel, documenting when each child enters and departs a child care facility. Such records shall be maintained for a minimum of 4 months.

- Each classroom must have an attendance sheet/roster for the group of children occupying that space. This attendance record must always account for the children and accompany the group throughout the day.
- The facility must contact the parent/guardian within one hour of the scheduled arrival time if the child is absent and prior notification of the absence was not given to the facility. The facility must document the contact attempts on the daily attendance record for licensing to review.

	Look for... _____
	Does each classroom have a roster for the children occupying that room? Has the facility accounted for all children that should be in attendance that day?

Important Note: The Department projects that most parents will notify/call the provider to advise of their child’s absence. It is not anticipated that providers will have to call every parent of every child that is absent, but only those parents that fail to advise the program of the child’s absence. The method of meeting the standard is based on what works best for each of the providers. The Department is not asking that providers continue to try and contact parents or emergency contacts until they speak with the individuals. For the standard, only an attempted contact is required. The attempted contact can occur with a phone call, leaving a voice message, text message, an email, communication through the program’s attendance system or a mobile communication app.

The standard on attendance is an effort to ensure the health and safety of children by preventing tragic situations, that have occurred across the state, where children are left in vehicles by providers and parents, and situations where children are being dropped off and

walking away from bus stops or designated pick up locations without child care personnel's knowledge or follow-up on the whereabouts of the child.

Enforcement

47. Access/Child Safety

A licensed child care facility must allow the Department access to facilities, personnel, and records at reasonable times during regular business hours, to ensure compliance with the provisions of ss. 402.301-402.319, F.S. 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. Answering machines are not prohibited, however, to meet the intent of the parent having ready-access to the child while in care, the facility must respond to the message in a timely manner.

- Per s.402.311, F.S., the right of entry and inspection extends to any premises which the Department has reason to believe are being operated or maintained as a child care facility without a license.
- Any application for a license or renewal of a license, or the advertisement to the public for the provision of child care, constitutes permission for entry/inspection in order to verify the information submitted on or in connection with the application.
- In the event a licensed facility, or suspected child care operation, refuses permission for entry or inspection to the department or local licensing agency, a warrant must be obtained from the circuit court prior to such entry or inspection. The Department or local licensing agency may institute disciplinary proceedings pursuant to s. 402.310, for such refusal.
- All personnel must successfully perform the duties of a mandated reporter pursuant to Chapter 39, F.S. or Chapter 827, F.S.
- The facility must not interfere with or prevent the licensing authority from copying records, photographing or recording a location or activity on the premises as documentation for the inspection.



Look for...

Were you allowed access for your inspection without incident? Was any parent allowed access to the facility (either by phone or in person) during your inspection?

- Parents must be provided reasonable access to the facility during operational hours when their child is present. 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. The provider must have a copy of any legal document or court order that limits the access to a parent to his or her children (custody/domestic violence).



Important Information!

A provider can be cited for **both** a licensing violation **and** a standard #47 violation relating to child abuse/neglect for a single event; however, there can be only **one sanction** (fine/administrative action) for the violations related to the single event. For example, if the investigation reveals a licensing violation of inappropriate discipline which rises to the level of child abuse, the inspection report should reflect the citation of both standards #11 and # 47 as noncompliant.

When two standard violations are cited, to be consistent with progressive enforcement requirements, licensing staff will pursue the sanction that will result in the greatest penalty. Most often this will be Standard #47 which is a Class I violation. However, if there has been an accumulation of violations of Standard #11 (Class II violation) over the past two years that will result in a greater penalty, the administrative action should be based on the Class II standard violation. Consult your supervisor if you have a question about which standard violation to base the sanction.

Guide to the Inspection Process: Licensed Large Family Child Care Homes

Unless otherwise stated, each item on the inspection checklist must be monitored at every inspection.

Compliance Options

- Compliance** Use to indicate that the standard inspected was in compliance with licensing requirements. An additional comment may be included as positive reinforcement.
- Non-Compliance** Use to indicate that the standard was observed to be out of compliance. Requires the licensing counselor to insert a comment describing the non-compliance, and choose a corrective action due date.

If an item on the Inspection Checklist is found to be in non-compliance and the provider corrects the violation at the time of the inspection, the licensing counselor is to reflect that the violation was corrected at the time of the inspection and include a statement as to what, specifically, was done to bring the item into compliance.

- Not Monitored** Use to indicate that the standard was applicable to the provider, but was unable to be monitored during the inspection. A comment stating the reason the standard was not monitored is required. For example, napping space may not have been monitored because children were not napping during the inspection.
- Not Applicable** Use to indicate that the standard is not applicable to the provider, due to the type of program. For example, items relating to diaper-changing are not applicable because the provider does not provide care for diapered infants/toddlers.

Inspection Checklist Items

Licensed Large Family Child Care Home

1. Licensed Capacity/Ratio

- A large family child care home shall be allowed to provide care for one of the following groups of children:
 - ✓ A maximum of eight children from birth to 24 months of age.
 - ✓ A maximum of 12 children, with no more than four children under 24 months of age.
- The home must always operate within the allowed capacity.
- When counting the number of children in care, children under 13 years of age who are related to the caregiver must be included in the calculation.



Look for...

Count the children in the home (inside and outside) as you inspect.

- Inspect during peak enrollment hours (after school) at least once per licensure year.

2. Child Discipline

The operator must adopt a written discipline and expulsion policy that describes the disciplinary and expulsion practices used in the home. All family day care home operators, employees, substitutes, and volunteers must comply with the home's written policies. A copy of the discipline and expulsion policy must be available for review by parents, or legal guardian and the licensing authority.

- Discipline includes verbal behavior correction, so in most cases this item will be monitored.
- The written policy must include age-appropriate discipline practices and prohibit discipline that is severe, humiliating or frightening, or associated with food, rest or toileting. Spanking, or any other form of physical punishment, is prohibited.
- Any observed discipline must comply with the written policy.
- An expulsion policy must be addressed in some way, in writing, that is acknowledged by a parent signature. It may simply be that the provider does not have an expulsion policy. It may be that the provider reserves the right to expel a child at any time for any reason. The provider may use any term that means expulsion, i.e., terminate, dissolve, removal, etc.
- Seek technical assistance from your supervisor in cases of questionable discipline practices.



Look for...

Review children's files for parent signatures regarding the discipline policy. If possible, observe adult interaction with children during disciplinary action.

Technical Assistance Note: Provide references/resources such as the child care online training course, child guidance clinics, community colleges, and pediatricians

3. Transportation

If the home does not provide transportation, mark this item "Not Applicable" with a comment explaining that the home does not provide transportation.


- When a home provides transportation, the driver shall have a valid Florida driver's license. Operators of family day care homes, residing in Florida due to military orders, are not exempt from meeting this requirement.
- The vehicle used for transporting children must be insured. Documentation of current insurance coverage on all vehicles used to transport children in care must be maintained.
- If the vehicle has seating for 15 or more passengers, including the driver, the driver must have a commercial driver's license with a "P" endorsement in order to be valid.
- If the vehicle has seating for 24 or more children, the driver must have a certificate to the drive the vehicle.
- The vehicle must be covered by single limit liability insurance in the proper amount.



Required Documentation

Check the driver's personnel file for a copy of a valid driver's license. Review insurance documentation to see that it is current.


- 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. 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.
 - ✓ All children five years or older must use a seat belt.
 - ✓ Children four years of age must be in a separate carrier, a vehicle built-in child seat or a child booster seat with appropriate seat belt.
 - ✓ Children aged one through three years must be in a separate carrier or a vehicle built-in child seat.
 - ✓ Children aged birth to one year must be secured in a rear-facing car safety seat.



Look for...


Review the transportation log to ensure that the number of children transported never exceeded the manufacturer's specified capacity. If transportation is directly observed, monitor for proper usage.

- Maximum capacity based upon manufacturer's designated seating capacity or the total number of factory-installed seat belt positions. (Capacity is usually designated on the end of the driver's side door when opened.)
- Volunteer supplied transportation must comply with seat belt/child restraint requirements.
- An adult must remain within sight and sound of the children being transported in a vehicle, to be able to respond to the needs of the children at all times.
- A log must be maintained for all children transported. The log must include each child's name, date, time of departure and time of arrival, and the signature of the driver to verify that all children have left the vehicle. The log must be kept for a minimum of 12 months.
- Upon arrival at the destination, the driver of the vehicle shall: mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and sign the log verifying that all children were all accounted for and that the visual check was conducted. A second adult must complete the second visual sweep of the vehicle and sign the transportation log.
- The log must not be pre-filled except for the name of the children. This log must be completed at the time of service, in real-time.
- Smoking is prohibited in all vehicles while being used to transport children.
- Emergency medical consent forms or copies of the consent forms signed by the parent/guardian and emergency contact numbers must accompany children on all field trips.
- Permission and transportation release forms signed by the parent/guardian must be on file for planned and unplanned activities.
- Parents must be notified prior to transporting children.
- A means of instant communication must always be available while transporting children.
- The interior of the vehicle must be maintained at a temperature comfortable to children. Because the vehicle is an extension of the facility the indoor temperature



Look for...

Review the transportation log to ensure it includes all the required elements, is completely filled out, and includes the previous 12 months. If possible, physically observe children being transported to ensure that all requirements are met.



Required Documentation

Permission and transportation release forms must be kept on file for twelve months.

range of 65-82 degrees is applicable. Use a thermometer. This standard is not automatically cited noncompliance if the vehicles AC doesn't work. It depends on the time of year, time of day transportation occurs, and whether the windows are rolled down to circulate the air.

Technical Assistance Note: Recommend that the log contain a statement by each signature that a physical inspection and visual sweep of the vehicle was conducted and that no child was left in the vehicle. Ask the operator to talk you through the process of loading and unloading children from the vehicle. This will allow you to help identify any gaps in their protocol and help correct. If during your inspection transportation is occurring, go outside and observe how the protocol plays out.

4. Planned Activities

Each age group or class must have a written plan of scheduled activities posted in a place accessible to the parents. The written plan must include the following:

- Activities that range from structure to unstructured.
- Quiet and active play, both indoors and outdoors.
- Meals, snacks and nap times, if appropriate for the age and the times the children are in care.
- Program must implement practices that promote consistency and continuity of care. The intent of this standard is to promote consistency and balance particularly for infants through toddler age children, by way of setting a routine schedule. This standard should be assessed by monitoring the providers routine schedule and plan of action for substitutes for when the substitute is supervising the children in the absence of the operator and/or employee.
- The home cannot use electronic media time (television, videos, movies, or computer games) with children younger than two years of age. Limited electronic media time (no more than one to two hours per day) may be used for educational purposes or physical activity for children older than two years of age.

5. Operator/Advertising

The license must be issued in the name of the operator, who must be a resident of the home.

- The operator of a large family child care home may not work outside of the home during the hours of operation.
- If the home is rental or leased property, the operator shall be the individual who occupies the residence.
- The operator of a licensed large family child care home must be at least 21 years of age.
- The license number must be included when advertising.
- Written documentation of the number of hours a substitute worked must be maintained.



Look for...

The age of the operator will have been determined during the licensure process. If the operator is not onsite, ensure that he or she is not working outside of the home.

A copy of the annual license must be posted in a conspicuous location within the **large family child care home**. Any room that is inaccessible to parents or location that is not readily within view (such as the inside of a cabinet door) is not appropriate.



Look for...

Ensure that the current license is posted in a place that is easily visible to parents.

6. Employee and Substitute Requirements

There shall be a written plan to provide at least one other competent adult to serve in the absence of the operator on a temporary or emergency basis. The substitute must be at least 18 years of age.

- The plan must include the name, address and telephone number of the designated substitute.
- Substitutes may not work 40 hours per month on average over a six-month period in any single home for which they have been identified as the designated substitute.
- Changes to the written substitute plan must be reported to the licensing authority with five working days.



Look for...

Review the application to ensure that the substitute plan is complete and appropriate. Ask the operator for the name of the substitute. Does it match the name on record?

A **large family child care home** must have at least two full-time child care personnel on the premises, one of whom must be the owner or occupant of the residence.

- The full-time employee must be at least 18 years of age and always be on the premises of the home operating as a large family child care home.
- This item may be marked “Not Applicable” if the large family child care home does not have sufficient children in care at the time of the inspection to require an additional adult.



Look for...

If, based on the number of children in care at the time of the inspection, the home is operating as a large family child care home, ensure that an additional full-time employee is present.

7. Background Screening Requirements

The operator and all household members subject to screening must be of good moral character as determined through background screening.

- See the [screening matrix](#) for required components of screening.
- Re-screening must be conducted in a timely manner (see **Chapter 6: Background Screening** for details).
- Monitor the ages of household members closely to ensure that all applicable screening is completed.
- All substitutes must be cleared through background screening prior to licensure.



Required Documentation

Hard copies of screening results must be maintained in the personnel file of each person subject to screening. Always ask about the current household composition.

- If the designated substitute changes during the licensure year, the new designated substitute must be cleared through background screening prior to taking care of children.

Important Note: If the licensing counselor discovers substitutes/household members of the family day care home to be out of compliance with background screening, the counselor will provide technical assistance regarding screening requirements to the family day care home operator, including an explanation of the process for completion, and a corrective action plan.

In regards to corrective action for the family day care home, unscreened household members must be fingerprinted no later than the following day and cannot have unsupervised contact with the children in care until they have been cleared. Substitutes for the home operator are to be treated like facility personnel, i.e., continued employment through the end of the work day and no further substituting for the operator until cleared through background screening.

8. Staff Training

Introductory Training

- Prior to licensure, the operator and substitutes who work 40 hours or more per month on average during a 12-month period, must successfully complete the Department of Children and Families 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination.
- The operator of a large family child care home must complete, within 6 months of being licensed, 10 hours of the Department's Part II specialized training.
- Operators who successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004, are not required to fulfill the competency examination requirement.
- Substitutes who work less than 40 hours a month on average during a 12-month period, shall complete the Department of Children and Family Services' six clock-hour Fundamentals of Child Care training prior to licensure.
- The operator of the home must sign a statement attesting to the number of hours that the substitute works in the operator's home. The statement must be maintained in the substitute's file.
- Substitutes who have successfully completed the 30 clock-hour Family Child Care Home training are not required to complete the six clock-hour Fundamentals of Child Care training.
- Foster grandparents are required to have 100% attendance in the following department's training courses: Child Care Facility Rules and Regulations or Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Online or instructor-led courses can be used to meet the 100% attendance requirement. Foster Grandparents are not required to pass competency exams for the courses. Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility/home.



Required Documentation

Effective October 1, 2010, introductory training must be documented on the child care training transcript only.

Literacy Training

Prior to the initial license being issued, the family day care or large family child care home operator must complete a single course of training in early literacy and language development of children ages birth through five that is a minimum of 5 clock-hours or .5 CEU's. The employee of the large family child care home must complete literacy training within 12 months of employment. A substitute that works in a family day care or large family child care home, that works more than 40 hours per month, must complete literacy training prior to licensure. In order to meet this requirement, individuals must complete one of the following:

- One of the Department's online literacy courses available on the Department of Children and Families' website at www.myflfamilies.com/childcare; or
- One of the Department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or on the Department of Children and Families' website at www.myflfamilies.com/childcare (no additional courses will be approved by the Department); or
- One college level early literacy course (for credit or non-credit) if taken within the last five years.

CPR/First Aid Training

The operator must possess a current certificate(s) of course completion for pediatric cardiopulmonary resuscitation procedures and first aid training.

- Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years.
- Online Pediatric CPR courses are acceptable provided the course includes an on-site skills instructor-based assessment by a certified CPR instructor.
- By October 25, 2019, the employee of the large family child care home must be trained in first aid and CPR.

- **In-service Training**

Beginning the first year after the completion of introductory training, the operator and employee employee(s) must complete 10 clock hours or one CEU of in-service training.

- Training must be completed during the provider's licensure year.
- Monitor this standard during the routine inspection following the renewal of the license for the previous licensure year.
- Training must be completed in one or more of the following areas:
 - ✓ Health and safety; including universal precautions
 - ✓ Pediatric CPR
 - ✓ First Aid (this training may only be taken to meet the in-service requirement once every three years)
 - ✓ Nutrition;
 - ✓ Child development - typical and atypical



Required Documentation

Proof of completion will be documented on the training transcript, certificate of course completion, classroom transcript, or diploma.



Required Documentation

In-service training must be documented on an [In-Service Training Record \(CF-FSP Form 5268A\)](#) with required supplemental documentation maintained at the family day care home. A new record is required each licensure year.

- ✓ Child transportation and safety
- ✓ Behavior management
- ✓ Working with families
- ✓ Design and use of child-oriented space
- ✓ Community, health and social service resources
- ✓ Child abuse
- ✓ Child care for multilingual children
- ✓ Working with children with disabilities in child care
- ✓ Playground safety
- ✓ Literacy
- ✓ Guidance and discipline
- ✓ Computer technology
- ✓ Leadership development/program management and staff supervision
- ✓ Age appropriate lesson planning
- ✓ Homework Assistance for school age care
- ✓ Food safety training
- ✓ Developing special interest centers/ spaces and environments
- ✓ Other course areas relating to child care or child care management
- ✓ Any of the online courses offered through the department's child care website

9. Supervision

At all times, which includes when the children are sleeping, the operator is required to remain responsible for the supervision of the children in care and capable of responding to the emergencies and needs of the children. In a large family child care home “direct supervision” must always be maintained during the hours of operation.

- During the daytime hours of operation, children shall have adult supervision which means watching and directing children's activities, both indoors and outdoors, and responding to each child's needs.
- “Direct supervision” means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's needs.
- Supervision does not mean all children must stay together in one group. The use of a baby monitor or video camera is an acceptable way to supervise a child sleeping while other children are awake. While children are napping or sleeping in bedrooms, the bedroom doors must remain open.
- Children must always be attended to when being diapered or when changing clothes.
- A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.
- During mealtimes, children must be appropriately supervised for their age and developmental abilities. No propped bottles!
- Constant and active supervision is required when any child is in or around water. Providers must be within an arm's length providing “touch supervision”.
- Prior to releasing a child, the identification of the individual picking up must be verified by photo identification and confirmed as an authorized individual on the child's enrollment form.



Look for...

Observe the operator. Is he or she readily accessible and responding to each child's needs? If children are not together in one group, ensure that the operator is monitoring the activities of all children.

- Supervision of the operator’s household children shall be left to the discretion of the operator unless the children receive subsidized child care through the School Readiness Program pursuant to s. 1002.92, F.S.

In addition to the number of staff required to meet staff-to-child ratios, if there are more than six preschoolers participating on a field trip away from the **large family child care home**, there must be one additional adult present, per each six preschoolers (or any fraction thereof).

- If the provider reports that the program does not engage in field trips, and this can be reasonably confirmed by a review of the transportation log, mark this item “Not Applicable”.
- If some children remain in the home during a field trip activity, the required adult supervision must be maintained.



Look for...

Review the [transportation log](#) and activity plan to determine if the home engages in field trips and if the number of children participating requires additional adult supervision. If so, ensure that the required additional adult was present.

Health Requirements

10. Animal Vaccinations

Animals must be properly immunized, free of disease, and clean.

- Common immunizations for animals include rabies and other immunizations that may be specific to particular animals. Most birds are not required to be immunized, but parrots and related birds may carry airborne diseases transmittable to humans, such as Psittacosis (symptoms are a drooping head, glazed eyes, and labored breathing).
- Ensure that there are no dangerous situations relating to animals (access to large dogs, constricting or poisonous snakes, or poisonous spiders).
- Poisonous and/or aggressive animals are prohibited.
- Parents must be informed, in writing, of all animals on the premises.

Technical Assistance Note: If you have a question regarding the types of vaccinations and their expiration dates, contact the local humane society/animal control center, or the local Health Department.



Required Documentation

Ask for documentation of animal immunizations, as appropriate. Parental notification of animals on the premises may include a conspicuously posted notice or bulletin, policy handbook, flier, or statement on the child’s enrollment form.



Look for...

Inspect animal cages for cleanliness (no offensive odors). Observe to see that children are supervised while handling animals.

11. Toxic/Hazardous Materials and Harmful Items (10. FDCH)

All areas and surfaces accessible to children (indoors and outdoors) must be kept free of toxic substances and hazardous materials.

- All potentially harmful items including cleaning supplies, flammable products, and poisonous and toxic materials must be labeled.
- These items, as well as knives, BB guns, pellet guns, and sharp tools and other potentially dangerous materials shall be stored in locations inaccessible to the children in care.
- Cleaning must not take place in rooms occupied by children.
- Narcotics, alcohol or other impairing drugs must not be accessible to children in care.



Look for...

Inspect all accessible surfaces for toxic/hazardous substances. Check all storage areas that are within reach of children for locks or child proof latches. Inspect all indoor and outdoor storage areas for proper labeling and safe storage.

Technical Assistance Note: Consult with the local Environmental Health Unit if you suspect the presence of lead-based paint.

12. Smoking on Premises

While children are in care, smoking is prohibited within the family day care home, all outdoor play areas, during field trips, and in vehicles when transporting children.

- A family day care home operator must inform parents in writing, if someone living in the home smokes.



Look for...

Look for cigarette butts and other evidence of smoking on the premises (odor of smoke, ashtrays, etc.). If aware of a smoker in the household, review children's files to ensure that parents were notified.

13. Firearms/Weapons

At all times when children are in care, all firearms and weapons as defined in Chapter 790.001, F.S., shall be stored in a location inaccessible to children. At all time when children are in care, no one, except for federal, state or local law enforcement officers, may keep firearms or weapons on their person when on the premises of the family day care home.

- A "firearm" is any weapon which will, is designed to, or may readily be converted to, expel a projectile. Examples: Pistols/Starter guns, Shotguns/Rifles, Bows/Cross Bows, Tasers and Stun guns, Slingshots/Self-Propelled Knives.
- Guns must be stored in a locked box or container, in a location which a reasonable person would believe to be secure, or secured with a trigger lock. Ammunition must be stored separately, locked, and inaccessible to the children in care.



Look for...

Ask the operator if there are any weapons in the household. Visually inspect to ensure that they are stored properly.

14. Indoor Play Areas

Play areas must be clean, free of litter, nails, glass and other hazards.

- Outdoor hazards include, but are not limited to: litter, pet droppings, trash containers, nails, glass, poisonous plants, fire ant beds, flying insect nests, lawn maintenance equipment, and air conditioning units.
- All open containers of water must be emptied immediately.
- Strings and cords must not be accessible to children.
- All accessible electrical outlets must have outlet covers in place when not in use.
- Potential hazards (such as a fireplace, space heater, etc.) must be out of the reach of children.
- Potential fire hazards must be repaired or removed.



Look for...

Inspect the interior play areas, and walk the entire outdoor play area to ensure that they are clean and free of hazards.

A **large family child care home** must have 35 square feet of usable indoor floor space per child.

- Indoor square footage will have been determined during licensure (refer to **Chapter 7: Capacity** for specifics regarding usable square footage.)
- Usable indoor floor space refers to that space available for indoor play and activities and does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.
- If infants are in care, they shall have open indoor floor space outside of cribs and playpens.



Look for...

Using the floor plan, look for additions or changes in room arrangements that affect usable square footage. Observe to ensure that children are not prohibited from using rooms that were included in the calculation.

15. Outdoor Time, Fencing and Play Area Requirements

The home's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all hazards, unless:

- The home cares only for infants younger than 12 months of age, in which case the home is not required to have an outdoor play area.
- The property of the family day care home property does not border any of the following:
 - ✓ A laned road or laned street open to travel by the public
 - ✓ A road or street open to travel by the public divided by a median
 - ✓ A road or street open to travel by the public where the posted or un-posted speed limit is equal to or greater than 25 miles per hour
 - ✓ A lake, ditch, pond, brook, canal or other water hazard

If the home is required to have a fence, it must meet the following requirements:

- All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides or a pool alarm that is operable at all times when children are in care can. Fences must be a minimum of 4 feet in height and separate the home from the swimming pool. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or may be covered with a safety cover that meets the requirements of s 515.25(1), F.S., at all times when children are in care. A home that has a pool, but is not required to have a fenced-in outdoor play area, must maintain at least a 4 foot barrier around the pool.
- The exterior wall of the home, if it has ingress and egress, does not constitute a fence or barrier. All doors or gates in the fence or barrier shall always be locked when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub always remain locked while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care.
- The wall of an above-ground swimming pool may be used as its barrier, however, such structure must be at least 4 feet in height. In addition, any ladder or steps that are the means of access to an aboveground pool must always be removed while children are in care and when the pool is not being used by the children in care.
- Fencing must be continuous and shall not have gaps or openings larger than 3 ½ inches. Gates must be closed and locked.
- Ensure that erosion has not occurred at the base of the fence that would allow children to exit, animals or strangers to enter the outdoor play area.
- Fencing must be a minimum of 4 feet high. Note that excessive build-up at the base of the fence may reduce its height.
- The fence must prevent access to all hazardous areas, including the following: pools, ditches, ponds, and equipment areas.
- All playground equipment must be properly installed and anchored, unless portable by design.
- All playground equipment must be maintained in a safe condition and in good repair (no rust, sharp/broken/jagged edges, peeling paint, etc.). Maintenance shall include checks at least every other month of:
 - ✓ All supports, above and below the ground
 - ✓ All connectors
 - ✓ All moving parts
- Equipment must be sufficiently spaced and have protective (resilient) surfacing under it.
- Equipment must not hold standing water that allows for the breeding of insects.



Look for...

Walk the entire fence line to inspect the condition. Measure the height of the fence, especially in areas with build-up at the base. Ensure that children do not have access to hazardous areas. Monitor to ensure that all requirements to operate without a fence are met.



Look for...

Ask the operator to show you how he or she conducts his or her inspection of playground equipment. Check above and below-ground anchors, footings, and connectors. Are S-hooks closed? Is equipment age appropriate and in good repair? Is equipment placed properly to prevent overcrowding? Check for areas where water can collect and breed insects. Check depth and medium of fall surface under equipment to make sure that it is resilient.

All **large family child care homes** must have a minimum of 270 square feet of usable outdoor play space.

- Outdoor square footage will have been determined during licensure (refer to **Chapter 7: Capacity** for specifics regarding outdoor square footage).
- The outdoor play space must be located on the property of the home and must be used exclusively for the children attending or residing at the large family child care home (i.e., not a shared playground).



Look for...

Using the site plan, look for additions or changes to the outdoor play area that effect usable square footage.

16. Swimming Pools

If a family day care home uses a swimming pool:

- It shall be maintained by using chlorine or other suitable chemicals.
- Wade pools that have no filtration systems and suitable chemicals are prohibited. A wade pool may be used for water play activities as long as only their hands and arms are being put into the water.
- Must have a fence or barrier, at least 4 feet in height, on all four sides or a pool alarm that is always operable.
- All doors or gates in the fence or barrier must always be locked when children are in care and when the pool is not being used by the children in care. In addition, all exterior doors leading to the pool, spa or hot tub must always remain locked while children are in care.
- Ladders or steps that are the means to access above ground pools must always be removed when children are in care and when the pool is not being used by the children in care.
- One person who has completed a basic water safety course must be present when children have access to the swimming area if the pool exceeds three feet in depth. This requirement is not applicable if the children do not ever have access to the pool.
- Spas and hot tubs must meet the same barrier requirements for in-ground and above ground pools. Spas and hot tubs may be covered with a safety cover that meets the requirements of Section 515.25(1), F.S.
- Pools, spas and hot tubs that are at the home and used by the children in care must have drain covers that are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act. Ask the provider for the installation documents if available.
- Each pool with more than six feet in width, length, or diameter must be provided with a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct electricity. Child care personnel must be trained on the proper use of this equipment.

If the family day care home uses an off-site swimming pool, or takes the children to water areas such as a beach or lake areas for swimming activities, the home operator must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

Technical Assistance Note: Contact the local Environmental Health Unit with any questions about the condition of a public pool if one is used by the provider for field trips.

If the program uses a public pool offsite, inform them of the permit requirement to ensure they ask the right questions and confirm the pool is in good standing before allowing children in care to participate. Encourage the presence of a cordless phone at any time when the pool is in use.

17. Appropriate, Safe and Sanitary Bedding

A designated area where each child can sit quietly or lie down to rest or nap must be available at the home. Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping.

- This item must be monitored, even if children are not napping during the inspection.
- Providers must have a written plan for Safe Sleep practices and they must have a written plan outlining the sleeping arrangements for the children in care.
- 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. Air mattresses and foam mattresses may not be used for napping.
- Children one year of age or older may sleep on beds used by the family provided individual linens are provided for each child.
- Each child must have a separate bed, cot, crib, playpen, mattress or floor mat, except that two sibling preschool children may share a double bed. Children up to one year of age must be in their own crib, play yards or playpen with sides.
- Beginning December 28, 2012, any crib provided by a family day care home must meet new and improved federal safety standards. The new standards take effect for manufacturers, retailers, importers and distributors on June 28, 2011, addressing deadly hazards previously seen with traditional drop-side rails, requiring more durable hardware and parts and mandating more rigorous testing.
- When children remain overnight, playpens, air mattresses, foam mattresses, and mats are not acceptable and the operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request.
- A minimum distance of 18 inches must be maintained between individual napping spaces, except a maximum of two sides of a napping 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. Each crib must meet national standards regarding the spacing of slats: no more than 2 3/8" between slats. Cribs, playpens and play yards must be placed away from window blinds, draperies or any other window treatment/cover. A minimum of 18 inches of space between the crib and window must be maintained.
- Cribs or playpens/play yards must have tight fitted sheets and no excess bedding which includes but is not limited to the following: bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals and cushions. Note: Wearable sleep sacs that are designed for the child's hands to be free and not swaddled are acceptable.
- Napping spaces must not be located under or against furniture that may create a hazard, or block exit routes. Napping spaces may not be in kitchens, bathrooms, utility rooms, or



Look for...

Inspect bedding to see that it is appropriate, in good repair, and sanitary. Look for hazards in and around the crib. Measure the distance between crib slats. If unsure of a mat's impermeability, run a corner of the mat under water. Inspect the napping space to ensure that it is appropriate. If children are napping, ensure that appropriate space is maintained between nap spaces.

garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and the needs of the children.

- Mats must be at least one inch thick and covered with an impermeable surface (free from cracks, tears, rips). Mats must be cleaned, and sanitized or disinfected after each use. If repaired, the mat must still be impermeable and able to be sanitized.
- When napping or sleeping, young infants 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 alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.
- Nap bedding is not required for school-age children; however, the family day care home provider must provide an area for those children choosing to rest.

Technical Assistance Note: Provide technical assistance on hazards associated with drape or blind cords, mobiles etc. Discourage mobiles once the child can stand in the crib.



Important Information!

If a provider purchased a crib prior to June 28, 2011 when the new crib standards went into effect for manufacturers, retailers, importers, and distributors, and they are unsure as to whether it meets the new federal standards, CPSC recommends the provider verify the crib meets the standard by asking for proof.

- Ask the manufacturer, retailer, importer or distributor to show a Certificate of Compliance. The document must:
 - Describe the product
 - Give name, full mailing address and telephone number for importer or domestic manufacturer
 - Identify the rule for which it complies (16 CFR 1219 ,1220 and 1221)
 - Give name, full mailing address, email address and telephone number for the records keeper and location of testing lab
 - Give date and location of manufacture and testing
- The crib must also have a label attached with the date of manufacture

18. Vermin/Pest Control

Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children. Homes must adopt an integrated pest management program that ensures pest suppression through a range of practices including pest exclusion, sanitation, and clutter control.

- There may be no signs of insect/vermin infestation (bugs or rodents or their droppings).

Technical Assistance Note: Refer to http://schoolipm.ifas.ufl.edu/Florida/about_us.htm for alternative pest control and technical assistance regarding pest control.

19. Toys, Furnishings, Equipment and Plumbing

All parts of the home, including the furnishings, equipment, and plumbing must be kept clean and sanitary, free of hazards, in an orderly condition and always in good repair.

- Large objects, such as entertainment centers, must be stable and unable to be tipped.
- Furnishings, equipment, and plumbing must be clean, maintained in good repair, and free of wear, tear, and sharp edges.
- Toys, equipment and furnishings must be cleaned and sanitized or disinfected immediately after exposure to bodily fluids, such as saliva.
- Toys, equipment, and furnishings must be age and developmentally-appropriate. For example, there must be no projectiles or small removable parts on toys for infants/toddlers.
- There must be a sufficient variety of toys and equipment to facilitate the development of fine and gross motor skills and cognitive development. "Sufficient" means a quantity for each child to be involved in activities.



Look for...

Conduct a visual inspection of the entire home (inside and outside). Flush toilets, turn on water faucets, and check cords on lamps for fraying.

Technical Assistance Note: Encourage providers to monitor the Consumer Product Safety Commission (CPSC) recommendations for use of equipment and recall information.

20. Smoke Detector, Fire Extinguisher, Telephone, Lighting, Temperature and Ventilation

The family day care home must have an operable smoke detector and fire extinguisher with a current certificate, at least one operable corded telephone, and lighting that allows for safe movement and egress for children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

- Portable phones may be used, but at least one corded phone must be available (because most portable phones are not operable during a power outage).
- Operable smoke alarm(s) should be maintained. It is recommended that smoke alarms be placed, at a minimum, in sleeping areas and the kitchen.
- At all times, lighting in family day care homes must be appropriate for the activity and sufficient to allow the operator to visually observe and supervise children in care. For example, children should not nap in complete darkness. Instead encourage the use of night lights. Lighting must allow ease of entering and exiting. Stairwells, hallways, etc. must be sufficiently lit to accommodate safe passage.



Look for...

Pick up the phone at every inspection to ensure that it is operable. Test the smoke detector and check the charge status of the fire extinguisher. Visually observe the light levels to see that they are adequate. Check temperature. Ensure that the home has operational ventilation.

- Air conditioning is not required, but in hot weather, air circulation sufficient to keep the temperature in the acceptable range is required. If there is no air conditioning, ventilation may be in the form of *operational* windows (with screens) or ceiling fans, but required temperatures must be maintained.
- Large family child care homes must conform to state standards adopted by the State Fire Marshal and must be inspected annually. A copy of the approved annual fire inspection should be maintained in the licensing file.

Technical Assistance Note: Recommend type 2A10BC, which may be used for any type of fire. Consult with the local Fire Marshall, if necessary.



Required Documentation

The large family child care home must have a *current, approved* fire safety inspection available for review by the licensing counselor.

21. Nutritious Meals and Snacks Provided

If the operator chooses to supply food, nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children must be provided.

- This item may be marked “Not Applicable” if a home chooses not to supply food.
- A home is not required to provide food, but must make arrangements with parent or guardian to provide for a child’s meal/snacks. Food provided by a parent or guardian must be stored at the appropriate temperature to avoid spoilage.
- If the home does supply food, breakfast must 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.
- If child forgets their bag lunch, one must be provided.
- In addition to meals, nutritional snacks must be provided.
- Age-appropriate foods must be provided. For example, hotdogs and grapes must be cut up for toddlers. The operator should supervise children closely when being fed foods which commonly cause choking (i.e. hot dogs, peanut butter, and popcorn).
- Meal and snack menus must be maintained for 6 months.
- Poisonous/toxic chemicals or cleaning products must be stored separately from food.
- Food containers must be stored above the floor on clean surfaces.
- Open packages of food must be properly covered/sealed to prevent contamination.
- Refrigerators and freezers must have a thermometer designed to measure cold storage temperature placed inside each refrigerator and freezer unit. Refrigerators must have a temperature of 41 degrees Fahrenheit or below. Freezers must have a temperature of 0 degrees Fahrenheit or below. If the temperature is reading above the required temperature, place your thermometer inside the unit and return 30 minutes later to read the temperature. Also, take a sample of food from the unit and test with your probe



Look for...

Observe food being provided to children. Look at quantity, quality, variety and balance and ensure that it is age-appropriate.



Required Documentation

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 facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file. Current specialized diet documentation shall be retained for as long as such child is in care.

thermometer; record the results. Counselors should routinely calibrate their probe thermometers and keep a log of when they calibrate.

- Child with a special diet must have a copy of the physician's order, copy of diet and a sample meal plan maintained in the child's file.

Technical Assistance Note: Assist the operator by providing resources such as USDA publications. Consult with the county public health unit nutritionist, if necessary. Suggest refrigeration of bag lunches.

Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use. Breast milk, infant formula and baby food must be prepared, stored and handled properly.

- Safe drinking water must be available to all children, both inside and during outdoor play.
- The water source may be a drinking fountain, water cooler/insulated thermos, or individually packaged water bottles. Drinking directly from a watering hose or filling the water container from a hose is not appropriate.
- Infants in the first 6 months of life should not be fed plain water unless instructed to do by their physician. Breastfed infants should be given additional breastmilk and formula fed infants should be given additional formula on hot days.
- Formula and breastmilk must not be heated in a microwave. Bottles can only be heated once and must be discarded after one hour.
- Heated bottles and foods must be tested before feeding to ensure heat is evenly distributed to prevent injury to children.
- Opened baby food jars cannot be accepted and if food is fed directly from the jar by the caregiver, the jar must only be used for one feeding and the remainder discarded.
- Prepared bottles must be refrigerated and used within 48 hours.
- Instructions for formula preparation and handling may be obtained from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines. www.who.int/foodsafety/publications/micro/pif_guidelines.pdf
- Providers should develop and follow procedures for the preparation and storage of expressed milk as outlined by the Academy of Breastfeeding Medicine Protocol. ABM Clinical Protocol #8 Human Milk Storage, revised 2017. www.bfmed.org

Technical Assistance Note: If the water source is questionable, consult the local Environmental Health Unit. If a well is the water source for the program, ask for a copy of the current well permit from either the Department of Health (DOH) or the Department of Environmental Protection (DEP) depending on the size of the well. Advise providers to follow [boil water notices](#) when issued for their county until the notice is lifted.

22. Hygiene and Sanitation

Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others and immediately after outdoor play.

- This item may be marked “Not Monitored” if no diapering, toileting, or outdoor play occurred in the inspector’s presence.
- Employees, volunteers, and children must immediately wash and dry their hands after toileting, assisting with toileting, diapering, and after outdoor play.
- Hands must be washed with soap and running water and dried thoroughly.
- During overnight care, staff must ensure that children wash their faces and hands and brush their teeth.
- Running water, soap, trash receptacles, toilet paper and disposable or individual towels must be available and within the children’s reach for use during hand washing/toileting.
- In order for children to be able to easily access toilet and bath facilities, platforms or stools can be used when they are safely constructed, with impervious surfaces, and can be easily cleaned and sanitized or disinfected.



Look for...

Try to observe diapering and/or toileting at every inspection to see that proper hand washing techniques are taking place afterwards.

Potty chairs, if used, shall be cleaned and sanitized or disinfected after each use.

- This item may be marked “Not Applicable” if the home does not utilize potty chairs.

Technical Assistance Note: Potty chairs should be placed to allow for supervision and ease of clean up.



Look for...

Inspect potty chairs for cleanliness. Ask the operator about their procedures for sanitizing.

Soiled items shall be placed in a plastic lined, securely covered container which is not accessible to children. Children’s wet or soiled clothing and crib sheets shall be changed promptly.

- Soiled disposable diapers must be placed in secured, covered, and lined container that is not accessible to children.
- Cloth diapers must be emptied in the toilet and placed in a covered container that is not accessible to children.
- All diaper containers must be emptied and sanitized at least once daily.

Technical Assistance Note: Soiled items, if not washed on-site, should be sent home in sealed plastic bags.



Look for...

Inspect diaper changing area and watch staff changing diapers to see how diapers are disposed of. Observe children to determine if their diapers are changed timely.

Plates, utensils, cups, bottles and sippy cups that are not disposable must be washed, rinsed, and sanitized between uses.

- Single service paper and plastic plates, utensils and cups may not be reused.
- All bottles and sippy cups prepared and used continuously throughout the day must be individually labeled with the child’s first and last name. This does not limit any type of system of identification in addition to names.
- Sippy cups and bottles brought from home shall be individually labeled with the child’s first and last name and returned to the parent or guardian daily

23. Individual Towels and Wash Cloths

Running water, soap, trash receptacles, toilet paper and individual towels/disposable towels shall be available and within reach of children using the toileting facility.

Each child shall have his or her own individually labeled towel and wash cloth, unless disposable products are used.

- If disposable towels are used, they shall be discarded after each use.



Look for...

Inspect towels and wash cloths for labels. Ensure that the number of towels and wash cloths match the number of children in care.

24. Diapering Area Clean and Sanitized

When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned and sanitized or disinfected after each use. Children must be attended at all times when being diapered or when changing clothes. The diaper changing area must be separate from the feeding or food service area.

- This item may be marked “Not Applicable” if the home does not care for children in diapers.
- The diaper changing area may not be located directly adjacent to the area where food preparation or feeding occurs.
- The diaper changing area must be covered with an impermeable surface, which must be replaced and/or cleaned and sanitized or disinfected after each use.

Technical Assistance Note: Recommend not using the kitchen sink for hand-washing because of bacteria and the risk of contaminating food.



Look for...

Observe that the diaper changing area is appropriate. Observe diaper changing, if possible. Observe children to determine if their diapers are changed timely.

25. First Aid Kit

A complete first aid kit, that is labeled “First Aid”, must be on site at the home, as well as with staff on field trips at all times.

- The kit must be closed and accessible to staff, but kept out of reach of children.
- The first aid kit must include:
 - ✓ Soap and hand sanitizer (to be used when no running water is present),
 - ✓ Adhesive bandages
 - ✓ Disposable non-porous gloves
 - ✓ Cotton balls or applicators
 - ✓ Sterile gauze pads or rolls
 - ✓ Adhesive tape
 - ✓ Digital Thermometer
 - ✓ Tweezers
 - ✓ Pre-moistened wipes
 - ✓ Scissors
 - ✓ Bottled Water
 - ✓ A current resource guide on first aid and pediatric CPR procedures



Look for...

Check contents of each first aid kit for completeness. Check for expiration dates and to see that kit is properly labeled. Does staff know where the kit is stored? Is it accessible to children?

26. Emergency Information

Emergency phone numbers must be posted on or near all phones.

- Posted numbers must include: ambulance, fire, police, poison control center, the Florida Abuse Hotline, Fire department, and county public health unit.
- Posted information must also include the address of, and directions to, the home (including landmarks and intersections).



Look for...

Check each phone to see that required information is posted and complete.

27. Emergency Procedures and Notifications

Custodial parents or legal guardians must be notified immediately in the event of any serious illness, accident, injury or emergency to their child. Their specific instructions regarding action to be taken under such circumstances must be obtained and followed.

- All accidents/incidents affecting children or staff must be documented on the day of occurrence.
- Documentation must be shared with the custodial parent or legal guardian on the date of occurrence. If the parent or legal guardian does not pick up the child on the date of the occurrence, the individual authorized to pick up the child must sign and be provided a copy of the [accident/incident form](#).
- If the custodial parent or legal guardian cannot be reached, the operator will contact those persons designated by the custodial parent or legal guardian to be contacted under the circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.



Required Documentation

Documentation (in the form of a log or individual report) must include the name of the affected party, the date and time of occurrence, description, actions taken and by whom, and signatures of staff and parents. Documentation must be maintained for one year from the date of the incident.

- After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, in order for the Department or local licensing agency to ensure that health standards are being met for continued operation.

Technical Assistance Note: Suggest that providers document if a child arrives with injuries. Inaccurate or false documentation is a violation



Look for...

Review the log or individual forms to make sure that incidents were recorded and parents notified on the date that the incident occurred and that the documentation is complete.

The home must have a written plan for reporting and managing any incident or unusual occurrence that is threatening to the health, safety, or welfare of children, staff or volunteers to the licensing authority. The following types of incidents must be addressed:

- ✓ Lost or missing child
- ✓ Suspected maltreatment of a child
- ✓ Injuries or illness requiring hospitalization or emergency treatment
- ✓ Death of child or staff member
- ✓ Presence of a threatening individual who attempts or succeeds in gaining entrance to the home

The department is responsible for reporting death and serious injury to the Federal Government.

28. Fire Drills/Emergency Preparedness

Fire drills shall be conducted monthly during the home’s licensure year. Drills must be conducted at various dates and times when children are in care. Drills must 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 must be used to account for all children. The fire drills conducted must include, at a minimum:

- One fire drill during the established napping/sleeping time.
- One fire drill using different alternative evacuation route
- One fire drill in the presence and at the request of the licensing authority in coordination with the operator
- The log should record the start time and end time, so that the licensing counselor can determine that drills are conducted at different times of the day.
- All children and staff must evacuate the home.



Required Documentation

The operator must maintain a log that records the date of each drill, number of children and staff in attendance, the evacuation route used, and the amount of time taken for evacuation. Each [fire drill record](#) must be maintained for a minimum of one year from the date of the drill.

A written emergency preparedness plan must be available and include, at a minimum, procedures to be taken by the home during a fire, evacuation, relocation, shelter in place, lockdown and inclement weather (tornadoes).

- Emergency preparedness drills must 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 drills 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 the children.
- The operator must maintain a written record of emergency preparedness drills showing the type of drill, date conducted, number of children in attendance, and time taken for all individuals to complete the drill.
- Documentation of conducted fire and emergency preparedness drills must be available at the time of inspection. Documentation produced after the inspection will not meet the licensing standard or corrective action requirements.
- After a fire or natural disaster, the operator must notify the licensing authority within 24 hours as to their operational status for the licensing authority to ensure health standards are being met for continued operation as a family day care home.

In a **large family child care home**, the evacuation plan must be posted or shared with employees and parents. This plan must include a diagram of safe routes by which the operator, employee, and children may exit each area of the home, in the event of fire or other emergency requiring evacuation of the home.

Technical Assistance Note: Recommend that the operator conduct drills more frequently when possible. In the event, a provider has missing monthly drills request an impromptu drill during the inspection. Additionally, if there were more than one drill missing, instruct the provider to complete multiple drills in the following months to make up for the missed drills.



Look for...

Check the emergency evacuation plan. Walk the evacuation route to see that the plan is accurate and the route is clear.

29. Communicable Disease Control

Children in care shall be observed daily for signs of communicable disease. Providers must have a written plan regarding safety precautions to follow in the event there is exposure to blood and potentially infectious diseases. Any child, child care personnel or other person in the child care home suspected of having a communicable disease, shall be removed from the home or placed in an isolation area until removed.

- If the operator, substitute, employee, or household member who becomes ill (has signs and symptoms of a communicable disease or a fever of 101 degrees F or higher) must leave the area of the home occupied by children. The ill person may not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.
- Any child who is suspected of having a communicable disease or who has a fever of 101 degrees Fahrenheit or higher, in conjunction with any other symptoms which include any of



Look for...

Observe to ensure that no symptomatic child or staff person is in contact with asymptomatic children. Determine whether or not the home has an appropriate isolation area. If a child is using the isolation area, is he or she properly monitored by staff?

the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area.

- A child with symptoms of a communicable disease may not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.
- A child who has head lice will not be permitted to return until the following day and only if treatment has been completed and verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent or legal guardian that treatment has occurred. The areas, equipment, toys, and furnishings with which the child had contact must be treated.
- A child in the isolation area must be carefully observed for worsening conditions.
- Upon any suspected outbreak of communicable disease, operators immediately must notify the local county health department, Communicable Disease Control, and follow the health department's direction.

Technical Assistance Note: Encourage the operator to tell parents of the other children if there is an illness that is contagious. *Centers for Disease Control and Prevention www.cdc.gov Recommend providers consult this website when creating their written plan of procedures.

30. Medication

Family day care homes are not required to dispense medication. However, if the home *does* dispense medication, prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container and appropriately labeled.

- If a child care home does not dispense medication, this item may be marked "Not Applicable" provided a comment is included that explains that the home does not dispense medication.
- If the home *does* dispense medication, the home must comply with the following requirements:



Look for...

Compare the log with children's files and medication labels to ensure that the medication was dispensed properly. Inspect the medication storage area to ensure that the medication has been stored properly and that medication is not expired or for a child who is no longer enrolled.

- 1) Prescription medication must have a label stating the name of the physician and contact information, child's name, name of the medication, and medication directions.
- 2) 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.
- 3) 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 in care at the home.
- 4) All prescription and non-prescription medication (including sun screen, diaper cream, and insect repellent) shall be dispensed according to written directions on the prescription label or printed manufacturer's label and maintained at the appropriate temperature.
- 5) 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 operator has written authorization from the custodial parent or legal guardian to do so.
- 6) Prior to administering medication, staff must be trained on administering medication. This training can be instructed by the local health department or a parent that has been instructed on how to administer medication by the physician. (ie. an EpiPen or diabetic equipment.)



Required Documentation

The home 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 must be maintained for a minimum of 4 months after the last day the child received the dosage. Any known allergies to medication or special restrictions must be documented, maintained in the child's file.

31. Documentation of Dispensed Medication

All medication that is dispensed (prescription and non-prescription) must be documented.

- If a family child care home does not dispense medication, this item may be marked "Not Applicable" provided a comment is included that explains that the home does not dispense medication.
- If the home *does* dispense medication, the home must comply with the following requirements:
 - 1) The home must have [written authorization from the custodial parent or legal guardian to administer medication](#) (either prescription medication or non-prescription medication that is not brought in by the parent).
 - 2) Medication used on an "as needed" basis requires the parent/guardian to provide additional documentation to describe the symptoms that would require the medication to be given.
 - 3) Any medication administered (prescription or non-prescription medication dispensed in an emergency) must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence.
 - 4) A record of medication dispensed must include the full name of the child, name of medication, date and time dispensed, amount and dosage, and the name of the person who dispensed the medication. This record must be maintained for at least six months after the last day the child received the dosage.

5) If the parent or legal guardian notifies the family child care home of any known allergies to medication, written documentation must be maintained in the child's file.

- **Important Note:** Diaper cream, insect repellent and sunscreen require parental permission and must be applied according to manufacturer's instructions. No documentation is required each time these items are used unless prescription strength and prescribed by a physician.

Children's Records

32. Immunization Records

Within 30 days of enrollment, unless statutorily exempted, each child shall have a completed and current certificate of immunization on file at the home.

- If the community health nurse inspects this item, the licensing counselor is still required to inspect also.
- Immunizations received from out of state are acceptable; however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.
- Immunization records are not required for school-age children attending school, because the school maintains them.
- The home is responsible for notifying parents when immunizations must be updated.
- If the custodial parent or legal guardian fails to provide the Immunization Record within 30 days of enrollment, the child shall not be allowed to remain in the family day care home.

Technical Assistance Note: Recommend that providers exceed this requirement by requiring documentation of immunizations at time of enrollment.



Required Documentation

Immunizations must be documented by [DH Form 680, Florida Certification of Immunization Part A-1, B, or C](#), or DH Form 681, Religious Exemption from Immunization). Copies are acceptable.



Look for...

Review all children's files to ensure that immunization records are complete and up-to-date. Review the files of all children at renewal, and the files of new children at routine inspections.

33. Health Records

Within 30 days of enrollment, unless statutorily exempted, each child shall have a completed student health examination on file at the home.

- If the community health nurse inspects this item and finds noncompliance, the licensing counselor must ensure that the necessary corrective action has been taken.
- Documentation of a health examination must be signed by a physician or authorized medical personnel licensed.
- The Student Health Examination is valid for two years from the date the physical was performed.

Technical Assistance Note: Recommend that providers exceed this requirement by requiring documentation of physicals at time of enrollment.

- Documentation that, annually, during the months of August and September, the family day care home operator has provided parents information detailing the causes, symptoms, and transmission of the influenza virus.
- If the custodial parent or legal guardian fails to provide the Student Health Examination within 30 days of enrollment, the child shall not be allowed to remain in the family day care home.
- Any child with an increased risk for a chronic physical, developmental, behavioral or emotional condition and require additional services must have a current Emergency Care Plan in their file.



Required Documentation

The Student Health Examination must be documented by a completed [Department of Health, DH Form 3040](#), or a statement that indicates the results of the components included in the health examination, signed by an authorized professional.



Look for...

Review all children's files to ensure that student health examinations on file are complete and valid. Review the files of all children at renewal, and the files of new children at routine inspections.

34. Enrollment Information/ Daily Attendance

The operator must maintain a file for each child in the home that contains a complete enrollment form that includes the following information:

- Emergency contact information (doctor and person to contact in case of emergency)
- Schedule information
- Release authorizations
- Physician's order and a copy of diet and sample meal for modified diet (if applicable)
- Field trip permission slips (unless located in a central file)
- Accident/incident reports (unless located in a central file)
- "Selecting a Family Day Care Home" brochure that contains a receipt signature by the parent/guardian
- "Influenza Virus, Guide to Parents" brochure that contains a receipt signature by the parent/guardian during the months of August and September



Required Documentation

Enrollment information must be documented on [CF-FSP Form 5219](#), or an equivalent form that contains all the information required by the Department on CF-FSP Form 5219.

- Consent from the parent/guardian for child care personnel to access to the child's records (this statement is included on the department's form 5219)

Technical Assistance Note: Consider creating a “model” children's file as a teaching tool for operators.

- Daily attendance of children must be taken and recorded by the operator. Documentation must include arrival and departure times, as well as, confirmation of a child's whereabouts when they are absent from the program. The facility must contact the parent/guardian within one hour of the scheduled arrival time if the child is absent and prior notification of the absence was not given to the facility. The facility must document the contact attempts on the daily attendance record for licensing to review.
- Attendance records must be maintained for a minimum of six months.
- **Important Note:** The Department projects that the majority of parents will notify/call the provider to advise of their child's absence. It is not anticipated that providers will have to call every parent of every child that is absent, but only those parents that fail to advise the program of the child's absence. The method of meeting the standard is based on what works best for each of the providers. The Department is not asking that providers continue to try and contact parents or emergency contacts until they speak with the individuals. For the standard, only an attempted contact is required. The attempted contact can occur with a phone call, leaving a voice message, text message, an email, communication through the program's attendance system or a mobile communication app.

The standard on attendance is an effort to ensure the health and safety of children by preventing tragic situations, that have occurred across the state, where children are left in vehicles by providers and parents, and situations where children are being dropped off and walking away from bus stops or designated pick up locations without child care personnel's knowledge or follow-up on the whereabouts of the child.

Enforcement

35. Access to the Premises Allowed/Misrepresentation

The family day care operator must allow access to the *entire* premises of the family day care home to inspect for compliance with family day care minimum standards.

- Advise the operator that parents must have reasonable access to the facility during operational hours when their child is present. Answering machines are not prohibited, however, to meet the intent of the parent having ready-access to the child while in care, the family day care home operator must respond to the message in a timely manner.
- If a parent wants the operator to enforce any parental access restrictions included in a court order (relating to custody or domestic violence), the operator must have a copy of the legal documentation/court order available for law enforcement.
- Child care personnel must not misrepresent, impersonate, or provide fraudulent information related to the family day care home to a parent/guardian, licensing authority, or law enforcement.

- The operator or substitute must not interfere with or prevent licensing from copying records, photographing or recording a location/activity on the premises as documentation for the inspection.

36. Child Safety

- The family day care home operator and substitute are required to report suspected child abuse, neglect or emotional maltreatment.
- Acts or omission 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.
- Child care personnel must appropriately interact with children to foster a healthy, safe environment. Interactions with children that are aggressive, demeaning or intimidating in nature are prohibited.



Important Information!

A provider can be cited for **both** a licensing violation **and** a standard #35 (FDCH) #36 (LFCCH) violation relating to child abuse/neglect for a single event; however, there can be only **one sanction** (fine/administrative action) for the violations related to the single event. For example, if the investigation reveals a licensing violation of inappropriate discipline which rises to the level of child abuse, the inspection report should reflect the citation of both standards #2 and #35 (FDCH) #36 (LFCCH) as noncompliant.

When two standard violations are cited, to be consistent with progressive enforcement requirements, licensing staff will pursue the sanction that will result in the greatest penalty. Most often this will be Standard #35 (FDCH) #36 (LFCCH) which is a Class I violation. However, if there has been an accumulation of violations of Standard #2 (Class II violation) over the past two years that will result in a greater penalty, the administrative action should be based on the Class II standard violation. Consult your supervisor if you have a question about which standard violation to base the sanction.

Guide to the Inspection Process: Licensed Homes

Unless otherwise stated, each item on the inspection checklist must be monitored at every inspection.

Compliance Options

Compliance Use to indicate that the standard inspected was in compliance with licensing requirements. An additional comment may be included as positive reinforcement.

Non-Compliance Use to indicate that the standard was observed to be out of compliance. Requires the licensing counselor to insert a comment describing the non-compliance, and choose a corrective action due date.

If an item on the Inspection Checklist is found to be in non-compliance and the provider corrects the violation at the time of the inspection, the licensing counselor is to reflect that the violation was corrected at the time of the inspection and include a statement as to what, specifically, was done to bring the item into compliance.

Not Monitored Use to indicate that the standard was applicable to the provider, but was unable to be monitored during the inspection. A comment stating the reason the standard was not monitored is required. For example, napping space may not have been monitored because children were not napping during the inspection.

Not Applicable Use to indicate that the standard is not applicable to the provider, due to the type of program. For example, items relating to diaper-changing are not applicable because the provider does not provide care for diapered infants/toddlers.

Inspection Checklist Items

Licensed Family Day Care Home

1. Licensed Capacity/Ratio

- A family day care home shall be allowed to provide care for one of the following groups of children:
 - ✓ A maximum of four children from birth to 12 months of age.
 - ✓ A maximum of three children from birth to 12 months of age, and other children, for a maximum of six children.
 - ✓ A maximum of six preschool children if all are older than 12 months of age.
 - ✓ A maximum of 10 children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.
- The home must operate within the allowed capacity *at all times*.



Look for...

Count the children in the home (inside and outside) as you inspect.

- When counting the number of children in care, children under 13 years of age who are related to the caregiver must be included in the calculation.
- Inspect during peak enrollment hours (after school) at least once per licensure year.

2. Child Discipline

The operator must adopt a written discipline and expulsion policy that describes the disciplinary and expulsion practices used in the home. All family day care home operators, employees, substitutes, and volunteers must comply with the home's written policies. A copy of the discipline and expulsion policy must be available for review by parents, or legal guardian and the licensing authority.

- Discipline includes verbal behavior correction, so in most cases this item will be monitored.
- The written policy must include age-appropriate discipline practices and prohibit discipline that is severe, humiliating or frightening, or associated with food, rest or toileting. Spanking, or any other form of physical punishment, is prohibited.
- Any observed discipline must comply with the written policy.
- An expulsion policy must be addressed in some way, in writing, that is acknowledged by a parent signature. It may simply be that the provider does not have an expulsion policy. It may be that the provider reserves the right to expel a child at any time for any reason. The provider may use any term that means expulsion, i.e., terminate, dissolve, removal, etc.
- Seek technical assistance from your supervisor in cases of questionable discipline practices.



Look for...

Review children's files for parent signatures regarding the discipline policy. If possible, observe adult interaction with children during disciplinary action.

Technical Assistance Note: Provide references/resources such as the child care online training course, child guidance clinics, community colleges, and pediatricians

3. Transportation

If the home does not provide transportation, mark this item "Not Applicable" with a comment explaining that the home does not provide transportation.

- When a home provides transportation, the driver shall have a valid and valid Florida driver's license. Operators of family day care homes, residing in Florida due to military orders, are not exempt from meeting this requirement.
- The vehicle used for transporting children must be insured. Documentation of current insurance coverage on all vehicles used to transport children in care must be maintained.
- If the vehicle has seating for 15 or more passengers, including the driver, the driver must have a commercial driver's license with a "P" endorsement in order to be valid.
- If the vehicle has seating for 24 or more children, the driver must have a certificate to the drive the vehicle.
- The vehicle must be covered by single limit liability insurance in the proper amount.



Required Documentation

Check the driver's personnel file for a copy of a valid driver's license. Review insurance documentation to see that it is current.

- 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. 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.
 - ✓ All children five years or older must use a seat belt.
 - ✓ Children four years of age must be in a separate carrier, a vehicle built-in child seat or a child booster seat with appropriate seat belt.
 - ✓ Children aged one through three years must be in a separate carrier or a vehicle built-in child seat.
 - ✓ Children aged birth to one year must be secured in a rear-facing car safety seat.
- Maximum capacity based upon manufacturer's designated seating capacity or the total number of factory-installed seat belt positions. (Capacity is usually designated on the end of the driver's side door when opened.)
- Volunteer supplied transportation must comply with seat belt/child restraint requirements.
- An adult must remain within sight and sound of the children being transported in a vehicle, to be able to respond to the needs of the children at all times.
- A log must be maintained for all children transported. The log must include each child's name, date, time of departure and time of arrival, and the signature of the driver to verify that all children have left the vehicle. The log must be kept for a minimum of 12 months.
- Upon arrival at the destination, the driver of the vehicle shall: mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and sign the log verifying that all children were all accounted for and that the visual check was conducted.
- The log must not be pre-filled except for the name of the children. This log must be completed at the time of service, in real-time.
- Smoking is prohibited in all vehicles while being used to transport children.
- Emergency medical consent forms or copies of the consent forms signed by the parent/guardian and emergency contact numbers must accompany children on all field trips.
- Permission and transportation release forms signed by the parent/guardian must be on file for planned and unplanned activities.
- Parents must be notified prior to transporting children.
- A means of instant communication must always be available while transporting children.
- The interior of the vehicle must be maintained at a temperature comfortable to children. Because the vehicle is an extension of the facility the indoor temperature range of 65-82 degrees is applicable. Use a thermometer. This standard is not



Look for...

Review the transportation log to ensure that the number of children transported never exceeded the manufacturer's specified capacity. If transportation is directly observed, monitor for proper usage.



Look for...

Review the transportation log to ensure it includes all the required elements, is filled out, and includes the previous 12 months. If possible, physically observe children being transported to ensure that all requirements are met.



Required Documentation

Permission and transportation release forms must be kept on file for twelve months.

automatically cited noncompliance if the vehicles AC doesn't work. It depends on the time of year, time of day transportation occurs, and whether the windows are rolled down to circulate the air.

Technical Assistance Note: Recommend that the log contain a statement by each signature that a physical inspection and visual sweep of the vehicle was conducted and that no child was left in the vehicle. Ask the operator to talk you through the process of loading and unloading children from the vehicle. This will allow you to help identify any gaps in their protocol and help correct. If during your inspection transportation is occurring, go outside and observe how the protocol plays out.

4. Operator/Advertising

The license must be issued in the name of the operator, who must be a resident of the home.

- The operator of a family day care or large family child care home may not work outside of the home during the hours of operation.
- If the home is rental or leased property, the operator shall be the individual who occupies the residence.
- The operator of a licensed family day care home must be at least 18 years of age and the operator of a licensed large family child care home must be at least 21 years of age.
- The license number must be included when advertising.
- Written documentation of the number of hours a substitute worked must be maintained.



Look for...

The age of the operator will have been determined during the licensure process. If the operator is not onsite, ensure that he or she is not working outside of the home.

5. Employee and Substitute Requirements

There shall be a written plan to provide at least one other competent adult to serve in the absence of the operator on a temporary or emergency basis. The substitute must be at least 18 years of age.

- The plan must include the name, address and telephone number of the designated substitute.
- Substitutes may not work 40 hours per month on average over a six-month period in any single home for which they have been identified as the designated substitute.
- Changes to the written substitute plan must be reported to the licensing authority with five working days.



Look for...

Review the application to ensure that the substitute plan is complete and appropriate. Ask the operator for the name of the substitute. Does it match the name on record?

6. Background Screening Requirements

The operator and all household members subject to screening must be of good moral character as determined through background screening.

- See the [screening matrix](#) for required components of screening.
- Re-screening must be conducted in a timely manner (see **Chapter 6: Background Screening** for details).
- Monitor the ages of household members closely to ensure that all applicable screening is completed.
- All substitutes must be cleared through background screening prior to licensure.
- If the designated substitute changes during the licensure year, the new designated substitute must be cleared through background screening prior to taking care of children.



Required Documentation

Hard copies of screening results must be maintained in the personnel file of each person subject to screening. Always ask about the current household composition.

Important Note: If the licensing counselor discovers substitutes/household members of the family day care home to be out of compliance with background screening, the counselor will provide technical assistance regarding screening requirements to the family day care home operator, including an explanation of the process for completion, and a corrective action plan.

Regarding corrective action for the family day care home, unscreened household members must be fingerprinted no later than the following day and cannot have unsupervised contact with the children in care until they have been cleared. Substitutes for the family day care home operator are to be treated like facility personnel, i.e., continued employment through the end of the work day and no further substituting for the operator until cleared through background screening.

7. Staff Training

Introductory Training

- Prior to licensure, all family day care home operators, and substitutes who work 40 hours or more per month on average during a 12-month period, must successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination.
- Operators who successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004, are not required to fulfill the competency examination requirement.
- Family day care home substitutes who work less than 40 hours a month on average during a 12-month period, shall complete the Department of Children and Family Services' 6 clock-hour Fundamentals of Child Care training prior to licensure.



Required Documentation

Effective October 1, 2010, introductory training must be documented on the child care training transcript only.

- The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in the operator's home. The statement must be maintained in the substitute's file.
- Family day care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training are not required to complete the six clock-hour Fundamentals of Child Care training.
- Foster grandparents are required to have 100% attendance in the following department's training courses: Child Care Facility Rules and Regulations or Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Online or instructor-led courses can be used to meet the 100% attendance requirement. Foster Grandparents are not required to pass competency exams for the courses. Foster grandparents must begin the required training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility.

Literacy Training

Prior to the initial license being issued, the family day care or large family child care home operator must complete a single course of training in early literacy and language development of children ages birth through five that is a minimum of five clock-hours or .5 CEU's. A substitute that works in a family day care or large family child care home, that works more than 40 hours per month, must complete literacy training prior to licensure. In order to meet this requirement, individuals must complete one of the following:

- One of the Department's online literacy courses available on the Department of Children and Families' website at www.myflfamilies.com/childcare; or
- One of the Department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or on the Department of Children and Families' website at www.myflfamilies.com/childcare (no additional courses will be approved by the Department); or
- One college level early literacy course (for credit or non-credit) if taken within the last five years.



Required Documentation

Proof of completion will be documented on the training transcript, certificate of course completion, classroom transcript, or diploma.

CPR/First Aid Training

The operator must possess a current certificate(s) of course completion for pediatric cardiopulmonary resuscitation procedures and first aid training.

- Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years.
- Online Pediatric CPR courses are acceptable provided the course includes an on-site skills instructor-based assessment by a certified CPR instructor.

In-service Training

Beginning the first year after the completion of introductory training, the operator of a licensed family day care home or large family child care home and large family child care home employee(s) must complete 10 clock hours or one CEU of in-service training.

- Training must be completed during the provider's licensure year.
- Monitor this standard during the routine inspection following the renewal of the license for the previous licensure year.
- Training must be completed in one or more of the following areas:
 - ✓ Health and safety; including universal precautions
 - ✓ Pediatric CPR
 - ✓ First Aid (this training may only be taken to meet the in-service requirement once every three years)
 - ✓ Nutrition;
 - ✓ Child development - typical and atypical
 - ✓ Child transportation and safety
 - ✓ Behavior management
 - ✓ Working with families
 - ✓ Design and use of child-oriented space
 - ✓ Community, health and social service resources
 - ✓ Child abuse
 - ✓ Child care for multilingual children
 - ✓ Working with children with disabilities in child care
 - ✓ Playground safety
 - ✓ Literacy
 - ✓ Guidance and discipline
 - ✓ Computer technology
 - ✓ Leadership development/program management and staff supervision
 - ✓ Age appropriate lesson planning
 - ✓ Homework Assistance for school age care
 - ✓ Food safety training
 - ✓ Developing special interest centers/ spaces and environments
 - ✓ Other course areas relating to child care or child care management
 - ✓ Any of the online courses offered through the department's child care website



Required Documentation

In-service training must be documented on an [In-Service Training Record \(CF-FSP Form 5268A\)](#) with required supplemental documentation maintained at the family day care home. A new record is required each licensure year.

8. Supervision

At all times, which includes when the children are sleeping, the operator of a family day care home is required to remain responsible for the supervision of the children in care and capable of responding to the emergencies and needs of the children.

- In a family day care home, during the daytime hours of operation, children shall have adult supervision which means watching and directing children's activities, both indoors and outdoors, and responding to each child's needs.
- Supervision does not mean all children must stay together in one group. The use of a baby monitor or video camera is an acceptable way to supervise a child sleeping while other children are awake. While children are napping or sleeping in bedrooms, the bedroom doors must remain open.
- Children must always be attended when being diapered or when changing clothes.
- A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.
- During mealtimes, children must be appropriately supervised for their age and developmental abilities. No propped bottles!
- Constant and active supervision is required when any child is in or around water. Providers must be within an arm's length providing "touch supervision".
- Prior to releasing a child, the identification of the individual picking up must be verified by photo identification and confirmed as an authorized individual on the child's enrollment form.
- Supervision of the operator's household children shall be left to the discretion of the operator unless the children receive subsidized child care through the School Readiness Program pursuant to s. 1002.92, F.S.



Look for...

Observe the operator. Is he or she readily accessible and responding to each child's needs? If children are not together in one group, ensure that the operator is monitoring the activities of all children.

Health Requirements

9. Animal Vaccinations

Animals must be properly immunized, free of disease, and clean.

- Common immunizations for animals include rabies and other immunizations that may be specific to particular animals. Most birds are not required to be immunized, but parrots and related birds may carry airborne diseases transmittable to humans, such as Psittacosis (symptoms are a drooping head, glazed eyes, and labored breathing).
- Ensure that there are no dangerous situations relating to animals (access to large dogs, constricting or poisonous snakes, or poisonous spiders).
- Poisonous and/or aggressive animals are prohibited.
- Parents must be informed, in writing, of all animals on the premises.

Technical Assistance Note: If you have a question regarding the types of vaccinations and their expiration dates, contact the local humane society/animal control center, or the local Health Department.

10. Toxic/Hazardous Materials and Harmful Items

All areas and surfaces accessible to children (indoors and outdoors) must be kept free of toxic substances and hazardous materials.

- All potentially harmful items including cleaning supplies, flammable products, and poisonous and toxic materials must be labeled.
- These items, as well as knives, BB guns, pellet guns, and sharp tools and other potentially dangerous materials shall be stored in locations inaccessible to the children in care.
- Cleaning must not take place in rooms occupied by children.
- Narcotics, alcohol or other impairing drugs must not be accessible to children in care.

Technical Assistance Note: Consult with the local Environmental Health Unit if you suspect the presence of lead-based paint.



Required Documentation

Ask for documentation of animal immunizations, as appropriate. Parental notification of animals on the premises may include a conspicuously posted notice or bulletin, policy handbook, flier, or statement on the child's enrollment form.



Look for...

Inspect animal cages for cleanliness (no offensive odors). Observe to see that children are supervised while handling animals.



Look for...

Inspect all accessible surfaces for toxic/hazardous substances. Check all storage areas that are within reach of children for locks or child proof latches. Inspect all indoor and outdoor storage areas for proper labeling and safe storage.

11. Smoking on Premises

While children are in care, smoking is prohibited within the family day care home, all outdoor play areas, during field trips, and in vehicles when transporting children.

- A family day care home operator must inform parents in writing, if someone living in the home smokes.



Look for...

Look for cigarette butts and other evidence of smoking on the premises (odor of smoke, ashtrays, etc.). If aware of a smoker in the household, review children's files to ensure that parents were notified.

12. Firearms/Weapons

At all times when children are in care, all firearms and weapons as defined in Chapter 790.001, F.S., shall be stored in a location inaccessible to children. At all times when children are in care, no one, with the exception of federal, state or local law enforcement officers, may keep firearms or weapons on their person when on the premises of the family day care home.

- A "firearm" is any weapon which will, is designed to, or may readily be converted to, expel a projectile. Examples: Pistols/Starter guns, Shotguns/Rifles, Bows/Cross Bows, Tasers and Stun guns, Slingshots/Self-Propelled Knives.
- Guns must be stored in a locked box or container, in a location which a reasonable person would believe to be secure, or secured with a trigger lock. Ammunition must be stored separately, locked, and inaccessible to the children in care.



Look for...

Ask the operator if there are any weapons in the household. Visually inspect to ensure that they are stored properly.

13. Indoor Play Areas

Play areas must be clean, free of litter, nails, glass and other hazards.

- Outdoor hazards include, but are not limited to: litter, pet droppings, trash containers, nails, glass, poisonous plants, fire ant beds, flying insect nests, lawn maintenance equipment, and air conditioning units.
- All open containers of water must be emptied immediately.
- Strings and cords must not be accessible to children.
- All accessible electrical outlets must have outlet covers in place when not in use.
- Potential hazards (such as a fireplace, space heater, etc.) must be out of the reach of children.
- Potential fire hazards must be repaired or removed.



Look for...

Inspect the interior play areas, and walk the entire outdoor play area to ensure that they are clean and free of hazards.

14. Outdoor Time, Fencing and Play Area Requirements

The home's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all hazards, unless:

- The home cares only for infants younger than 12 months of age, in which case the home is not required to have an outdoor play area.
- The property of the family day care home property does not border any of the following:
 - ✓ A laned road or laned street open to travel by the public
 - ✓ A road or street open to travel by the public divided by a median
 - ✓ A road or street open to travel by the public where the posted or un-posted speed limit is equal to or greater than 25 miles per hour
 - ✓ A lake, ditch, pond, brook, canal or other water hazard

If the home is required to have a fence, it must meet the following requirements:

- All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides or a pool alarm that is always operable when children are in care. Fences must be a minimum of 4 feet in height and separate the home from the swimming pool. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or may be covered with a safety cover that meets the requirements of s 515.25(1), F.S., at all times when children are in care. A home that has a pool, but is not required to have a fenced-in outdoor play area, must maintain at least a 4 foot barrier around the pool.
- The exterior wall of the home, if it has ingress and egress, does not constitute a fence or barrier. All doors or gates in the fence or barrier shall always be locked when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub always remain locked while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care.
- The wall of an above-ground swimming pool may be used as its barrier; however, such structure must be at least four feet in height. In addition, any ladder or steps that are the means of access to an aboveground pool must always be removed while children are in care and when the pool is not being used by the children in care.
- Fencing must be continuous and shall not have gaps or openings larger than 3 ½ inches. Gates must be closed and locked.
- Ensure that erosion has not occurred at the base of the fence that would allow children to exit, animals or strangers to enter the outdoor play area.



Look for...

Walk the entire fence line to inspect the condition. Measure the height of the fence, especially in areas with build-up at the base. Ensure that children do not have access to hazardous areas. Monitor to ensure that all requirements to operate without a fence are met.

- Fencing must be a minimum of 4 feet high. Note that excessive build-up at the base of the fence may reduce its height.
- The fence must prevent access to all hazardous areas, including the following: pools, ditches, ponds, and equipment areas.
- All playground equipment must be properly installed and anchored, unless portable by design.
- All playground equipment must be maintained in a safe condition and in good repair (no rust, sharp/broken/jagged edges, peeling paint, etc.). Maintenance shall include checks at least every other month of:
 - ✓ All supports, above and below the ground
 - ✓ All connectors
 - ✓ All moving parts
- Equipment must be sufficiently spaced and have protective (resilient) surfacing under it.
- Equipment must not hold standing water that allows for the breeding of insects.



Look for...

Ask the operator to show you how he or she conducts his or her inspection of playground equipment. Check above and below-ground anchors, footings, and connectors. Are S-hooks closed? Is equipment age appropriate and in good repair? Is equipment placed properly to prevent overcrowding? Check for areas where water can collect and breed insects. Check depth and medium of fall surface under equipment to make sure that it is resilient.

15. Swimming Pools

If a family day care home uses a swimming pool:

- It shall be maintained by using chlorine or other suitable chemicals.
- Wade pools that have no filtration systems and suitable chemicals are prohibited. A wade pool may be used for water play activities as long as only their hands and arms are being put into the water.
- Must have a fence or barrier, at least 4 feet in height, on all four sides or a pool alarm that is always operable.
- All doors or gates in the fence or barrier must always be locked when children are in care and when the pool is not being used by the children in care. In addition, all exterior doors leading to the pool, spa or hot tub must always remain locked while children are in care.
- Ladders or steps that are the means to access above ground pools must always be removed when the pool is not being used by the children in care.
- One person who has completed a basic water safety course must be present when children have access to the swimming area if the pool exceeds 3 feet in depth. This requirement is not applicable if the children do not ever have access to the pool.
- Spas and hot tubs must meet the same barrier requirements for in-ground and above ground pools. Spas and hot tubs may be covered with a safety cover that meets the requirements of Section 515.25(1), F.S.
- Pools, spas and hot tubs must have drain covers that are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act. Ask the provider for the installation documents if available.

- Each pool with more than six feet in width, length, or diameter must be provided with a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct electricity. Child care personnel must be trained on the proper use of this equipment.

If the family day care home uses an off-site swimming pool, or takes the children to water areas such as a beach or lake areas for swimming activities, the family day care home operator must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

Technical Assistance Note: Contact the local Environmental Health Unit with any questions about the condition of a public pool if one is used by the provider for field trips. If the program uses a public pool offsite, inform them of the permit requirement to ensure they ask the right questions and confirm the pool is in good standing before allowing children in care to participate. Encourage the presence of a cordless phone at any time when the pool is in use.

16. Appropriate, Safe and Sanitary Bedding

A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap. Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping.

- This item must be monitored, even if children are not napping during the inspection.
- Providers must have a written plan for Safe Sleep practices and they must have a written plan outlining the sleeping arrangements for the children in care.
- 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. Air mattresses and foam mattresses may not be used for napping.
- Children one year of age or older may sleep on beds used by the family provided individual linens are provided for each child.
- Each child must have a separate bed, cot, crib, playpen, mattress or floor mat, except that two sibling preschool children may share a double bed. Children up to one year of age must be in their own crib, play yards or playpens with sides.
- Beginning December 28, 2012, any crib provided by a family day care home must meet new and improved federal safety standards. The new standards take effect for manufacturers, retailers, importers and distributors on June 28, 2011, addressing deadly hazards previously seen with traditional drop-side rails, requiring more durable hardware and parts and mandating more rigorous testing.
- When children remain overnight, playpens, air mattresses, foam mattresses, and mats are not acceptable and the operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request.
- A minimum distance of 18 inches must be maintained between individual napping spaces, except a maximum of two sides of a napping 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. Each crib



Look for...

Inspect bedding to see that it is appropriate, in good repair, and sanitary. Look for hazards in and around the crib. Measure the distance between crib slats. If unsure of a mat's impermeability, run a corner of the mat under water. Inspect the napping space to ensure that it is appropriate. If children are napping, ensure that appropriate space is maintained between nap spaces.

must meet national standards regarding the spacing of slats: no more than 2 3/8" between slats. Cribs, playpens and play yards must be placed away from window blinds, draperies or any other window treatment/cover. A minimum of 18 inches of space between the crib and window must be maintained.

- Cribs or playpens/play yards must have tight fitted sheets and no excess bedding which includes but is not limited to: bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals and cushions. Note: Wearable sleep sacs that are designed for the child's hands to be free and not swaddled are acceptable.
- Napping spaces must not be located under or against furniture that may create a hazard, or block exit routes. Napping spaces may not be in kitchens, bathrooms, utility rooms, or garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and the needs of the children.
- Mats must be at least one inch thick and covered with an impermeable surface (free from cracks, tears, rips). Mats must be cleaned, and sanitized or disinfected after each use. If repaired, the mat must still be impermeable and able to be sanitized.
- When napping or sleeping, young infants 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 alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.
- Nap bedding is not required for school-age children; however, the family day care home provider must provide an area for those children choosing to rest.

Technical Assistance Note: Provide technical assistance on hazards associated with drape or blind cords, mobiles etc. Discourage mobiles once the child can stand in the crib.



Important Information!

If a provider purchased a crib prior to June 28, 2011 when the new crib standards went into effect for manufacturers, retailers, importers, and distributors, and they are unsure as to whether it meets the new federal standards, CPSC recommends the provider verify the crib meets the standard by asking for proof.

- Ask the manufacturer, retailer, importer or distributor to show a Certificate of Compliance. The document must:
 - Describe the product
 - Give name, full mailing address and telephone number for importer or domestic manufacturer
 - Identify the rule for which it complies (16 CFR 1219 ,1220 and 1221)
 - Give name, full mailing address, email address and telephone number for the records keeper and location of testing lab
 - Give date and location of manufacture and testing
- The crib must also have a label attached with the date of manufacture

17. Vermin/Pest Control

Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children. Homes must adopt an integrated pest management program that ensures pest suppression through a range of practices including pest exclusion, sanitation, and clutter control.

- There may be no signs of insect/vermin infestation (bugs or rodents or their droppings).

Technical Assistance Note: Refer to http://schoolipm.ifas.ufl.edu/Florida/about_us.htm for alternative pest control and technical assistance regarding pest control.

18. Toys, Furnishings, Equipment and Plumbing

All parts of the home, including the furnishings, equipment, and plumbing must be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times.

- Large objects, such as entertainment centers, must be stable and unable to be tipped.
- Furnishings, equipment, and plumbing must be clean, maintained in good repair, and free of wear, tear, and sharp edges.
- Toys, equipment and furnishings must be cleaned and sanitized or disinfected immediately after exposure to bodily fluids, such as saliva.
- Toys, equipment, and furnishings must be age and developmentally-appropriate. For example, there must be no projectiles or small removable parts on toys for infants/toddlers.
- There must be a sufficient variety of toys and equipment to facilitate the development of fine and gross motor skills and cognitive development. "Sufficient" means a quantity for each child to be involved in activities.



Look for...

Conduct a visual inspection of the entire home (inside and outside). Flush toilets, turn on water faucets, and check cords on lamps for fraying.

Technical Assistance Note: Encourage providers to monitor the Consumer Product Safety Commission (CPSC) recommendations for use of equipment and recall information.

19. Smoke Detector, Fire Extinguisher, Telephone, Lighting, Temperature and Ventilation

The family day care home must have an operable smoke detector and fire extinguisher with a current certificate, at least one operable corded telephone, and lighting that allows for safe movement and egress for children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

- Portable phones may be used, but at least one corded phone must be available (because most portable phones are not operable during a power outage).
- Operable smoke alarm(s) should be maintained. It is recommended that smoke alarms be placed, at a minimum, in sleeping areas and the kitchen.
- At all times, lighting in family day care homes must be appropriate for the activity and sufficient enough to allow the operator to visually observe and supervise children in care. For example, children should not nap in complete darkness. Instead encourage the use of night lights. Lighting must allow ease of entering and exiting. Stairwells, hallways, etc. must be sufficiently lit to accommodate safe passage.
- Air conditioning is not required, but in hot weather, air circulation sufficient to keep the temperature in the acceptable range is required. If there is no air conditioning, ventilation may be in the form of *operational* windows (with screens) or ceiling fans, but required temperatures must be maintained.
- Large family child care homes must conform to state standards adopted by the State Fire Marshal and must be inspected annually. A copy of the approved annual fire inspection should be maintained in the licensing file.

Technical Assistance Note: Recommend type 2A10BC, which may be used for any type of fire. Consult with the local Fire Marshall, if necessary.



Look for...

Pick up the phone at every inspection to ensure that it is operable. Test the smoke detector and check the charge status of the fire extinguisher. Visually observe the light levels to see that they are adequate. Check temperature. Ensure that the home has operational ventilation.



Required Documentation

The large family child care home must have a *current, approved* fire safety inspection available for review by the licensing counselor.

20. Nutritious Meals and Snacks Provided (20. FDCH)

If the operator chooses to supply food, nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children must be provided.

- This item may be marked “Not Applicable” if a home chooses not to supply food.
- A home is not required to provide food, but must make arrangements with parent or guardian to provide for a child’s meal/snacks. Food provided by a parent or guardian must be stored at the appropriate temperature to avoid spoilage.
- If the home does supply food, breakfast must 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.
- If child forgets their bag lunch, one must be provided.
- In addition to meals, nutritional snacks must be provided.
- Age-appropriate foods must be provided. For example, hotdogs and grapes must be cut up for toddlers. The operator should supervise children closely when being fed foods which commonly cause choking (i.e. hot dogs, peanut butter, and popcorn).
- Meal and snack menus must be maintained for six months.
- Poisonous/toxic chemicals or cleaning products must be stored separately from food.



Look for...

Observe food being provided to children. Look at quantity, quality, variety and balance and ensure that it is age-appropriate.

- Food containers must be stored above the floor on clean surfaces.
- Open packages of food must be properly covered/sealed to prevent contamination.
- Refrigerators and freezers must have a thermometer designed to measure cold storage temperature placed inside each refrigerator and freezer unit. Refrigerators must have a temperature of 41 degrees Fahrenheit or below. Freezers must have a temperature of 0 degrees Fahrenheit or below. If the temperature is reading above the required temperature, place your thermometer inside the unit and return 30 minutes later to read the temperature. Also, take a sample of food from the unit and test with your probe thermometer; record the results. Counselors should routinely calibrate their probe thermometers and keep a log of when they calibrate.
- Child with a special diet must have a copy of the physician's order, copy of diet and a sample meal plan maintained in the child's file.



Required Documentation

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 facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file. Current specialized diet documentation shall be retained for as long as such child is in care.

Technical Assistance Note: Assist the operator by providing resources such as USDA publications. Consult with the county public health unit nutritionist, if necessary. Suggest refrigeration of bag lunches.

Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use. Breast milk, infant formula and baby food must be prepared, stored and handled properly.

- Safe drinking water must be available to all children, both inside and during outdoor play.
- The water source may be a drinking fountain, water cooler/insulated thermos, or individually packaged water bottles. Drinking directly from a watering hose or filling the water container from a hose is not appropriate.
- Infants in the first 6 months of life should not be fed plain water unless instructed to do by their physician. Breastfed infants should be given additional breastmilk and formula fed infants should be given additional formula on hot days.
- Formula and breastmilk must not be heated in a microwave. Bottles can only be heated once and must be discarded after one hour.
- Heated bottles and foods must be tested before feeding to ensure heat is evenly distributed to prevent injury to children.
- Opened baby food jars cannot be accepted and if food is fed directly from the jar by the caregiver, the jar must only be used for one feeding and the remainder discarded.
- Prepared bottles must be refrigerated and used within 48 hours.
- Instructions for formula preparation and handling may be obtained from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines. www.who.int/foodsafety/publications/micro/pif_guidelines.pdf
- Providers should develop and follow procedures for the preparation and storage of expressed milk as outlined by the Academy of Breastfeeding Medicine Protocol. ABM Clinical Protocol #8 Human Milk Storage, revised 2017. www.bfmed.org

Technical Assistance Note: If the water source is questionable, consult the local Environmental Health Unit. If a well is the water source for the program, ask for a copy of the current well permit from either the Department of Health (DOH) or the Department of Environmental Protection (DEP) depending on the size of the well. Advise providers to follow [boil water notices](#) when issued for their county until the notice is lifted.

21. Hygiene and Sanitation

Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others and immediately after outdoor play.

- This item may be marked “Not Monitored” if no diapering, toileting, or outdoor play occurred in the inspector’s presence.
- Employees, volunteers, and children must immediately wash and dry their hands after toileting, assisting with toileting, diapering, and after outdoor play.
- Hands must be washed with soap and running water and dried thoroughly.
- During overnight care, staff must ensure that children wash their faces and hands and brush their teeth.
- Running water, soap, trash receptacles, toilet paper and disposable or individual towels must be available and within the children’s reach for use during hand washing/toileting.
- In order for children to be able to easily access toilet and bath facilities, platforms or stools can be used when they are safely constructed, with impervious surfaces, and can be easily cleaned and sanitized or disinfected.

Potty chairs, if used, shall be cleaned and sanitized or disinfected after each use.

- This item may be marked “Not Applicable” if the home does not utilize potty chairs.

Technical Assistance Note: Potty chairs should be placed to allow for supervision and ease of clean up.

Soiled items shall be placed in a plastic lined, securely covered container which is not accessible to children. Children’s wet or soiled clothing and crib sheets shall be changed promptly.

- Soiled disposable diapers must be placed in secured, covered, and lined container that is not accessible to children.
- Cloth diapers must be emptied in the toilet and placed in a covered container that is not accessible to children.
- All diaper containers must be emptied and sanitized at least once daily.



Look for...

Try to observe diapering and/or toileting at every inspection to see that proper hand washing techniques are taking place afterwards.



Look for...

Inspect potty chairs for cleanliness. Ask the operator about their procedures for sanitizing.



Look for...

Inspect diaper changing area and watch staff changing diapers to see how diapers are disposed of. Observe children to determine if their diapers are changed timely.

Technical Assistance Note: Soiled items, if not washed on-site, should be sent home in sealed plastic bags.

Plates, utensils, cups, bottles and sippy cups that are not disposable must be washed, rinsed, and sanitized between uses.

- Single service paper and plastic plates, utensils and cups may not be reused.
- All bottles and sippy cups prepared and used continuously throughout the day must be individually labeled with the child's first and last name. This does not limit any type of system of identification in addition to names.
- Sippy cups and bottles brought from home shall be individually labeled with the child's first and last name and returned to the parent or guardian daily

22. Individual Towels and Wash Cloths

Running water, soap, trash receptacles, toilet paper and individual towels/disposable towels shall be available and within reach of children using the toileting facility.

Each child shall have his or her own individually labeled towel and wash cloth, unless disposable products are used.

- If disposable towels are used, they shall be discarded after each use.



Look for...

Inspect towels and wash cloths for labels. Ensure that the number of towels and wash cloths match the number of children in care.

23. Diapering Area Clean and Sanitized

When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned and sanitized or disinfected after each use. Children must always be attended to when being diapered or when changing clothes. The diaper changing area must be separate from the feeding or food service area.

- This item may be marked "Not Applicable" if the home does not care for children in diapers.
- The diaper changing area may not be located directly adjacent to the area where food preparation or feeding occurs.
- The diaper changing area must be covered with an impermeable surface, which must be replaced and/or cleaned and sanitized or disinfected after each use.

Technical Assistance Note: Recommend not using the kitchen sink for hand-washing because of bacteria and the risk of contaminating food.



Look for...

Observe that the diaper changing area is appropriate. Observe diaper changing, if possible. Observe children to determine if their diapers are changed timely.

24. First Aid Kit

A complete first aid kit, that is labeled “First Aid”, must be on site at the home, as well as with staff on field trips at all times.

- The kit must be closed and accessible to staff, but kept out of reach of children.
- The first aid kit must include:
 - ✓ Soap and hand sanitizer (to be used when no running water is not present),,
 - ✓ Adhesive bandages
 - ✓ Disposable non-porous gloves
 - ✓ Cotton balls or applicators
 - ✓ Sterile gauze pads or rolls
 - ✓ Adhesive tape
 - ✓ Digital Thermometer
 - ✓ Tweezers
 - ✓ Pre-moistened wipes
 - ✓ Scissors
 - ✓ Bottled Water
 - ✓ A current resource guide on first aid and Infant/Child CPR procedures



Look for...

Check contents of each first aid kit for completeness. Check for expiration dates and to see that kit is properly labeled. Does staff know where the kit is stored? Is it accessible to children?

25. Emergency Information

Emergency phone numbers must be posted on or near all phones.

- Posted numbers must include the following: ambulance, fire, police, poison control center, the Florida Abuse Hotline and the public health unit.
- Posted information must also include the address of, and directions to, the home (including landmarks and intersections).



Look for...

Check each phone to see that required information is posted and complete.

26. Emergency Procedures and Notifications

Custodial parents or legal guardians must be notified immediately in the event of any serious illness, accident, injury or emergency to their child. Their specific instructions regarding action to be taken under such circumstances must be obtained and followed.

- All accidents/incidents affecting children or staff must be documented on the day of occurrence.
- Documentation must be shared with the custodial parent or legal guardian on the date of occurrence. If the parent or legal guardian does not pick up the child on the date of the occurrence, the individual authorized to pick up the child must sign and be provided a copy of the [accident/incident form](#).
- If the custodial parent or legal guardian cannot be reached, the operator will contact those persons designated by the custodial parent or legal guardian to be contacted under the circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.



Required Documentation

Documentation (in the form of a log or individual report) must include the name of the affected party, the date and time of occurrence, description, actions taken and by whom, and signatures of staff and parents. Documentation must be maintained for one year from the date of the incident.

- After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, for the Department or local licensing agency to ensure that health standards are being met for continued operation.

Technical Assistance Note: Suggest that providers document if a child arrives with injuries. Inaccurate or false documentation is a violation



Look for...

Review the log or individual forms to make sure that incidents were recorded and parents notified on the date that the incident occurred and that the documentation is complete.

The home must have a written plan for reporting and managing any incident or unusual occurrence that is threatening to the health, safety, or welfare of children, staff or volunteers to the licensing authority. The following types of incidents must be addressed:

- ✓ Lost or missing child
- ✓ Suspected maltreatment of a child
- ✓ Injuries or illness requiring hospitalization or emergency treatment
- ✓ Death of child or staff member
- ✓ Presence of a threatening individual who attempts or succeeds in gaining entrance to the home

The department is responsible for reporting death and serious injury to the Federal Government.

27. Fire Drills/Emergency Preparedness

Fire drills shall be conducted monthly during the home’s licensure year. Drills must be conducted at various dates and times when children are in care. Drills must 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 must be used to account for all children. The fire drills conducted must include, at a minimum:

- One fire drill during the established napping/sleeping time.
- One fire drill using different alternative evacuation route
- One fire drill in the presence and at the request of the licensing authority in coordination with the operator
- The log should record the start time and end time, so that the licensing counselor can determine that drills are conducted at different times of the day.
- All children and staff must evacuate the home.



Required Documentation

The operator must maintain a log that records the date of each drill, number of children and staff in attendance, the evacuation route used, and the amount of time taken for evacuation. Each [fire drill record](#) must be maintained for a minimum of one year from the date of the drill.

A written emergency preparedness plan must be available and include, at a minimum, procedures to be taken by the home during a fire, evacuation, relocation, shelter in place, lockdown and inclement weather (tornadoes).

- Emergency preparedness drills must 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 drills 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 the children.
- The operator must maintain a written record of emergency preparedness drills showing the type of drill, date conducted, number of children in attendance, and time taken for all individuals to complete the drill.
- Documentation of conducted fire and emergency preparedness drills must be available at the time of inspection. Documentation produced after the inspection will not meet the licensing standard or corrective action requirements.
- 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 as a family day care home.

28. Communicable Disease Control

Children in care shall be observed daily for signs of communicable disease. Providers must have a written plan regarding safety precautions to follow in the event there is exposure to blood and potentially infectious diseases. Any child, child care personnel or other person in the child care home suspected of having a communicable disease, shall be removed from the home or placed in an isolation area until removed.

- If the operator, substitute, employee, or household member who becomes ill (has signs and symptoms of a communicable disease or a fever of 101 degrees F or higher) must leave the area of the home occupied by children. The ill person may not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.
- Any child who is suspected of having a communicable disease or who has a fever of 101 degrees Fahrenheit or higher, in conjunction with any other symptoms which include any of the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area.
- A child with symptoms of a communicable disease may not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.
- A child who has head lice will not be permitted to return until the following day and only if treatment has been completed and verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent or legal guardian that treatment has occurred. The areas, equipment, toys, and furnishings with which the child had contact must be treated.
- A child in the isolation area must be carefully observed for worsening conditions.



Look for...

Observe to ensure that no symptomatic child or staff person is in contact with asymptomatic children. Determine whether the home has an appropriate isolation area. If a child is using the isolation area, is he or she properly monitored by staff?

- Upon any suspected outbreak of communicable disease, operators immediately must notify the local county health department, Communicable Disease Control, and follow the health department's direction.

Technical Assistance Note: Encourage the operator to tell parents of the other children if there is an illness that is contagious. *Centers for Disease Control and Prevention www.cdc.gov Recommend providers consult this website when creating their written plan of procedures.

29. Medication

Family day care homes are not required to dispense medication. However, if the home *does* dispense medication, prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container and appropriately labeled.

- If a child care home does not dispense medication, this item may be marked "Not Applicable" provided a comment is included that explains that the home does not dispense medication.
- If the home *does* dispense medication, the home must comply with the following requirements:
 - 7) Prescription medication must have a label stating the name of the physician and contact information, child's name, name of the medication, and medication directions.
 - 8) 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.
 - 9) 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 in care at the home.
 - 10) All prescription and non-prescription medication (including sun screen, diaper cream, and insect repellent) shall be dispensed according to written directions on the prescription label or printed manufacturer's label and maintained at the appropriate temperature.
 - 11) 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 operator has written authorization from the custodial parent or legal guardian to do so.
 - 12) Prior to administering medication, staff must be trained on administering medication. This training can be instructed by the local health department or a parent that has been



Look for...

Compare the log with children's files and medication labels to ensure that the medication was dispensed properly. Inspect the medication storage area to ensure that the medication has been stored properly and that medication is not expired or for a child who is no longer enrolled.



Required Documentation

The home 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 must be maintained for a minimum of 4 months after the last day the child received the dosage. Any known allergies to medication or special restrictions must be documented, maintained in the child's file.

instructed on how to administer medication by the physician. (ie. an epipen or diabetic equipment.)

30. Documentation of Dispensed Medication

All medication that is dispensed (prescription and non-prescription) must be documented.

- If a family child care home does not dispense medication, this item may be marked “Not Applicable” provided a comment is included that explains that the home does not dispense medication.
- If the home *does* dispense medication, the home must comply with the following requirements:
 - 6) The home must have [written authorization from the custodial parent or legal guardian to administer medication](#) (either prescription medication or non-prescription medication that is not brought in by the parent).
 - 7) Medication used on an “as needed” basis requires the parent/guardian to provide additional documentation to describe the symptoms that would require the medication to be given.
 - 8) Any medication administered (prescription or non-prescription medication dispensed in an emergency) must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence.
 - 9) A record of medication dispensed must include the full name of the child, name of medication, date and time dispensed, amount and dosage, and the name of the person who dispensed the medication. This record must be maintained for at least 6 months after the last day the child received the dosage.
 - 10) If the parent or legal guardian notifies the family child care home of any known allergies to medication, written documentation must be maintained in the child's file.


Important Note: Diaper cream, insect repellent and sunscreen require parental permission and must be applied according to manufacturer’s instructions. No documentation is required each time these items are used unless prescription strength and prescribed by a physician.

Children’s Records

31. Immunization Records

Within 30 days of enrollment, unless statutorily exempted, each child shall have a completed and current certificate of immunization on file at the home.

- If the community health nurse inspects this item, the licensing counselor is still required to inspect also.
- Immunizations received from out of state are acceptable; however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

	Required Documentation
<p>Immunizations must be documented by DH Form 680, Florida Certification of Immunization Part A-1, B, or C, or DH Form 681, Religious Exemption from Immunization). Copies are acceptable.</p>	

- Immunization records are not required for school-age children attending school, because the school maintains them.
- The home is responsible for notifying parents when immunizations must be updated.
- If the custodial parent or legal guardian fails to provide the Immunization Record within 30 days of enrollment, the child shall not be allowed to remain in the family day care home.

Technical Assistance Note: Recommend that providers exceed this requirement by requiring documentation of immunizations at time of enrollment.



Look for...

Review all children's files to ensure that immunization records are complete and up-to-date. Review the files of all children at renewal, and the files of new children at routine inspections.

32. Health Records

Within 30 days of enrollment, unless statutorily exempted, each child shall have a completed student health examination on file at the home.

- If the community health nurse inspects this item and finds noncompliance, the licensing counselor must ensure that the necessary corrective action has been taken.
- Documentation of a health examination must be signed by a physician or authorized medical personnel licensed.
- The Student Health Examination is valid for two years from the date the physical was performed.

Technical Assistance Note: Recommend that providers exceed this requirement by requiring documentation of physicals at time of enrollment.

- Documentation that, annually, during the months of August and September, the family day care home operator has provided parents information detailing the causes, symptoms, and transmission of the influenza virus.
- If the custodial parent or legal guardian fails to provide the Student Health Examination within 30 days of enrollment, the child shall not be allowed to remain in the family day care home.
- Any child with an increased risk for a chronic physical, developmental, behavioral or emotional condition and require additional services must have a current Emergency Care Plan in their file.



Required Documentation

The Student Health Examination must be documented by a completed [Department of Health, DH Form 3040](#), or a statement that indicates the results of the components included in the health examination, signed by an authorized professional.



Look for...

Review all children's files to ensure that student health examinations on file are complete and valid. Review the files of all children at renewal, and the files of new children at routine inspections.

33. Enrollment Information/ Daily Attendance

The operator must maintain a file for each child in the home that contains a complete enrollment form that includes the following information:

- Emergency contact information (doctor and person to contact in case of emergency)
- Schedule information
- Release authorizations
- Physician's order and a copy of diet and sample meal for modified diet (if applicable)
- Field trip permission slips (unless located in a central file)
- Accident/incident reports (unless located in a central file)
- "Selecting a Family Day Care Home" brochure that contains a receipt signature by the parent/guardian
- "Influenza Virus, Guide to Parents" brochure that contains a receipt signature by the parent/guardian during the months of August and September



Required Documentation

Enrollment information must be documented on [CF-FSP Form 5219](#), or an equivalent form that contains all the information required by the Department on CF-FSP Form 5219.

- Consent from the parent/guardian for child care personnel to access to the child's records (this statement is included on the department's form 5219)

Technical Assistance Note: Consider creating a “model” children's file as a teaching tool for operators.

- Daily attendance of children must be taken and recorded by the operator. Documentation must include arrival and departure times, as well as, confirmation of a child's whereabouts when they are absent from the program. The facility must contact the parent/guardian within one hour of the scheduled arrival time if the child is absent and prior notification of the absence was not given to the facility. The facility must document the contact attempts on the daily attendance record for licensing to review
- Attendance records must be maintained for a minimum of 6 months.
- **Important Note:** The Department projects that the majority of parents will notify/call the provider to advise of their child's absence. It is not anticipated that providers will have to call every parent of every child that is absent, but only those parents that fail to advise the program of the child's absence. The method of meeting the standard is based on what works best for each of the providers. The Department is not asking that providers continue to try and contact parents or emergency contacts until they speak with the individuals. For the standard, only an attempted contact is required. The attempted contact can occur with a phone call, leaving a voice message, text message, an email, communication through the program's attendance system or a mobile communication app.

The standard on attendance is an effort to ensure the health and safety of children by preventing tragic situations, that have occurred across the state, where children are left in vehicles by providers and parents, and situations where children are being dropped off and walking away from bus stops or designated pick up locations without child care personnel's knowledge or follow-up on the whereabouts of the child.

Enforcement

34. Access to the Premises Allowed/Misrepresentation

The family day care operator must allow access to the *entire* premises of the family day care home to inspect for compliance with family day care minimum standards.

- Advise the operator that parents must have reasonable access to the facility during operational hours when their child is present. Answering machines are not prohibited, however, to meet the intent of the parent having ready-access to the child while in care, the family day care home operator must respond to the message in a timely manner.
- If a parent wants the operator to enforce any parental access restrictions included in a court order (relating to custody or domestic violence), the operator must have a copy of the legal documentation/court order available for law enforcement.
- Child care personnel must not misrepresent, impersonate, or provide fraudulent information related to the family day care home to a parent/guardian, licensing authority, or law enforcement.

- The operator or substitute must not interfere with or prevent licensing from copying records, photographing or recording a location/activity on the premises as documentation for the inspection.

35. Child Safety

- The family day care home operator and substitute are required to report suspected child abuse, neglect or emotional maltreatment.
- Acts or omission 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.
- Child care personnel must appropriately interact with children to foster a healthy, safe environment. Interactions with children that are aggressive, demeaning or intimidating in nature are prohibited.



Important Information!

A provider can be cited for **both** a licensing violation **and** a standard #35 (FDCH) #36 (LFCCH) violation relating to child abuse/neglect for a single event; however, there can be only **one sanction** (fine/administrative action) for the violations related to the single event. For example, if the investigation reveals a licensing violation of inappropriate discipline which rises to the level of child abuse, the inspection report should reflect the citation of both standards #2 and #35 (FDCH) #36 (LFCCH) as noncompliant.

When two standard violations are cited, to be consistent with progressive enforcement requirements, licensing staff will pursue the sanction that will result in the greatest penalty. Most often this will be Standard #35 (FDCH) #36 (LFCCH) which is a Class I violation. However, if there has been an accumulation of violations of Standard #2 (Class II violation) over the past two years that will result in a greater penalty, the administrative action should be based on the Class II standard violation. Consult your supervisor if you have a question about which standard violation to base the sanction.