



**Chapter 65C-20**

**Florida Administrative Code**

**Family Day Care Standards**

**And**

**Large Family Child Care Homes**

**January 13, 2010**

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

### **65C-20.008 Application.**

(1) Application for a license or for renewal of a license to operate a family day care home must be made on CF-FSP Form 5133, March 2009, Application for a License to Operate a Family Day Care Home, which is incorporated by reference. CF-FSP Form 5133 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(2) A completed CF-FSP Form 5133 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5133 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-20.012(3)(d), F.A.C.

(3) A submitted CF-FSP Form 5133 will not be considered complete until the licensing authority receives proof of background screening clearance on the operator of the family day care home, substitutes, and on all other household members who are subject to background screening pursuant to Section 402.313(3), F.S. If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute for the operator must comply with background screening requirements and the licensing authority must receive proof of background screening clearances.

(a) Initial Screening includes all of the following:

1. Level 2 screening, which includes at a minimum Federal Bureau of Investigation (FBI), Florida Department of Law Enforcement (FDLE), and local criminal records checks. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for licensing and screening purposes under this rule.

2. An employment history check for the operator and substitute(s) must include the previous two years of employment history, which shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

3. CF Form 1649A, January 2007, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed annually or in accordance with the local licensing agency compliance and must be maintained in the department's licensing file. A copy of the CF Form 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

4. Initial screening submission and clearance documentation must be maintained in the department's

licensing file.

(b) Re-screening: A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted.

1. The five year re-screen is required for the operator, household members and all substitutes.

2. The five year re-screen must include, at a minimum, a statewide criminal records checks through the FDLE and a local criminal records check.

3. CF Form 1649A, Child Care Attestation of Good Moral Character must be completed annually. A copy of the CF Form 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

4. Documentation/clearance from the five year re-screening must be included in the department's licensing file.

(c) An operator, substitute and all household members must be re-screened as outlined in Section 402.313, Florida Statutes following a break in operation of the family day care home that exceeds 90 days.

(d) If the operator takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the five year re-screen has come due during the leave of absence.

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

(5) CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference, must be signed annually by the operator and substitute(s). A copy of the CF-FSP Form 5337 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

*RuleMaking Authority 402.309, 402.313 FS. Law Implemented 402.302(13), 402.309, 402.313 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.*

### **65C-20.009 Staffing Requirements.**

(1) Definitions.

(a) "Foster Grandparents" are directly supervised volunteers who participate in the federal program pursuant to Title 45 Public Welfare, part 2552, Code of Federal Regulation. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department's training courses: 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 classified as child care personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions.

(b) "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](http://www.myflorida.com/childcare).

(c) "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.

(2) Personnel.

(a) Operator. The family day care home license shall be issued in the name of the operator who 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. The operator of a family day care home may not work outside of the home during the hours the family day care home is operating.

(b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available as a substitute for the operator on a temporary or emergency basis.

1. This plan shall include the name, address, and telephone number of the designated substitute. Proof of background screening clearance and completion of required training for the designated substitute must be submitted with the written plan at time of licensure.

2. Any changes to the substitute plan that occur during the home's licensure year must be submitted to the licensing authority within five working days of the change.

3. Family day care home operators must maintain written documentation (i.e. time records) of the hours a substitute worked in their home each day for the preceding 12 months. Substitutes may not work 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.

(c) No person shall be an operator, substitute or employee in a family day care 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.

(3) Staff Training.

(a) Prior to licensure and prior to caring for children, all family day care home operators and substitutes who work 40 hours or more per month on average must:

1. Successfully complete the department's 30-clock-hour Family Child Care Home training, as evidenced

by successful completion of a competency based examination(s) offered by the department or its designated representative with a weighted score of 70 or better. Family day care home 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. Documentation of course completion may either be a single Family Child Care Home 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.

2. Complete a single course of training in early literacy and language development of children ages birth through five years, that is a minimum of five clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, individuals must complete one of the following:

a. One of the department's online literacy courses available on the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One of the department's approved literacy training courses. A list of these courses may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One college level early literacy course (for credit or non-credit) if taken within the last five years.

(b) Family day care home substitutes who work less than 40 hours a month on average shall complete the department's six clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency based examination offered by the department or its designated training representative prior to licensure and caring for children.

1. 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 placed in the substitute's file.

2. Family day care substitutes who have successfully completed the three clock-hour Fundamentals of Child Care training or 30-clock-hour Family Child Care Home training are not required to complete the six-clock-hour Family Child Care Home Rules and Regulations course.

(c) The operator and substitute must have certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training, which must be current and valid at all times. 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. CPR courses must include an on-site instructor-based skills

assessment that shall be documented by the 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.

(d) Effective October 1, 2010, the department's Training Transcript will be the only acceptable verification of successful completion of the department's training. Training completion documented on CF-FSP Form 5267, March 2009, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor any previous version of the form. A copy of the department's Training Transcript may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

1. A copy of the CF-FSP Form 5267 or Training Transcript for the operator must be included in the department's licensing file.

2. Training documented on the CF-FSP Form 5267 that is not included on an individual's on the Training Transcript must be sent to the department or designated representative prior to October 1, 2010 to be documented on the individual's Training Transcript.

3. As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid, requiring that the course(s) be retaken. Until the coursework is retaken and completed, family day care homes will be out of compliance with the mandated training standard.

(e) Prior to beginning volunteering in a family day care home, the volunteer must complete the CF-FSP 5217, March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(4) Annual In-Service Training.

(a) All family day care home operators must complete a minimum of 10-clock-hours or one CEU of in-service training annually during the operator's 12 month licensing period.

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

1. Health and safety, including universal precautions;
2. Infant/child CPR;
3. First Aid (may only be taken to meet the in-service requirement once every three years);
4. Nutrition;
5. Child development – typical and atypical;

6. Child transportation and safety;
7. Behavior management;
8. Working with families;
9. Design and use of child oriented space;
10. Community, health and social service resources;
11. Child abuse;
12. Child care for multilingual children;
13. Working with children with disabilities in child care;
14. Safety in outdoor play;
15. Literacy;
16. Guidance and discipline;
17. Computer technology;
18. Leadership development/program management and staff supervision;
19. Age appropriate lesson planning;
20. Homework assistance for school-age care;
21. Developing special interest centers/spaces and environments; or
22. Other course areas relating to child care or child care management.

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

(d) Operators who do not complete the required annual in-service training during a given licensure year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

(5) Supervision.

(a) 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 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 needs.

(b) A child who has been placed in an isolation area due to illness as stated in paragraph 65C-20.010(4)(b), F.A.C., must be within sight and hearing of the operator.

(c) Children must be attended at all times when being diapered or when changing clothes.

*RuleMaking Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.*

### **65C-20.010 Health and Safety Related Requirements.**

(1) General Requirements.

(a) 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 flier, 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) All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives, sharp tools, BB guns, pellet guns and other potentially dangerous hazards, shall either be stored and in a locked area or must be inaccessible and out of a child's reach.

(c) All family day care home operators shall inform custodial parents or legal guardians in writing, if someone living in the home smokes. Pursuant to Chapter 386, F.S., while children are in care, smoking is prohibited, within the family day care home, in outdoor play areas, during field trips, and in vehicles when transporting children.

(d) At all times when children are in care, all firearms and weapons, as defined in Section 790.001, F.S., must be stored in a location inaccessible to children and in accordance with Section 790.174, F.S. No firearms or weapons as defined in Section 790.001, F.S., shall be kept upon any person located on the premises, excluding federal, state or local law enforcement officers.

(e) Play areas shall be clean and free from litter, nails, glass, and other hazards.

(f) Family day care homes caring only for infants under 12 months of age shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor play

area shall maintain safe and adequate fencing or walls, a minimum of four feet in height, if the family day care home property borders any of the following:

1. Laned road or laned street open to travel by the public;
2. Road or street open to travel by the public, divided by a median;
3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to Section 316.189, F.S.
4. Lake, ditch, pond, brook, canal or other water hazard.

(g) Fencing, including gates, must be continuous, and shall not have gaps that would allow children to exit the outdoor play area. The bottom or base of the fence must remain at ground level and free from erosion or buildup to prevent inside or outside access by children or animals.

(h) Outdoor Play Area and Outdoor Equipment.

1. All family day care homes' play activities shall be suitable to each child's age and development.
2. All playground equipment, if provided, shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month of all supports above and below the ground, all connectors, and moving parts.
3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.
4. All equipment, fences, and objects on the family day care home's premises shall be free from sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.
5. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(i) 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, at a minimum of four feet in height, separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. The fence or barrier shall not have any gaps or openings that would allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or spas and hot tubs may be covered with a safety cover that meet the requirements of Section 515.25(1), F.S. at all times when children are in care. The exterior wall of the home with an ingress and egress does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all

times 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 area remain locked at all times 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 above-ground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.

(j) If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. 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 offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the family day care home site or takes the children to water areas such as a beach or lake 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.

(k) A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

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

(m) Children one year of age or older may nap or sleep on beds used by the family, provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two sibling preschool children may share a double bed. Sleeping refers to the normal night time sleep cycle. 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. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and washing face and hands, are followed. Toothbrushes, towels and wash cloths may not be shared.

(n) Children up to one year of age must be in an individual crib, portacrib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib and bar spacing may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Sections 1508.7 and 1509.8, Code of Federal Regulations, January 2009, which is incorporated by reference. A copy may be obtained from the department's website, [www.myflorida.com/childcare](http://www.myflorida.com/childcare). No double or multi-deck cribs, cots or beds may be used. When napping or sleeping, young infants who are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(o) A minimum distance of 18 inches must be maintained around 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.

1. Napping spaces shall not be in kitchens, bathrooms, utility rooms, or garages.
2. Napping spaces shall not be under furniture, against furniture that may create a hazard, or blocking exit routes.
3. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and needs of the children.

(p) Potable drinking water shall be available to children of all ages at all times.

(q) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles and sippy cups provided by the family day care home that are not disposable shall be washed, rinsed, and sanitized between uses. All bottles and sippy cups prepared and used continuously throughout the day shall be individually labeled with the child's first and last name. This does not limit any type of identification system in addition to names. Sippy cups or bottles brought from home shall be individually labeled with the child's first and last name and returned to the custodial parent or legal guardian daily.

(r) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(s) All parts of the home, both indoors and outdoors; including the furnishings, equipment, and plumbing shall be kept clean, and sanitary, free from hazards, in an orderly condition and in good repair at all times.

1. It is the responsibility of the director/operator to ensure all areas of the facility are free from fire hazards such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.
2. The family day care home shall 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.

3. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care.

4. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

(t) 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. Meal and snack menus shall be planned and written, and must be available for review upon request by the custodial parent or legal guardian. Menus used to meet the USDA Food Program requirements shall also meet the department's licensing standard. The USDA My Pyramid, April 2005, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two and older. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA My Pyramid may be obtained from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov). Using the USDA My Pyramid, breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups. 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, they shall provide nutritious meals and snacks and must keep menus in accordance with the Department of Health and the USDA requirements.

(2) Hygiene and Sanitation.

(a) Operators, substitutes, and children shall wash their hands with soap and running water, dry thoroughly, and follow personal hygiene procedures for themselves or while assisting others, and immediately after outdoor play.

(b) Soiled items shall immediately be placed in plastic lined, securely covered containers that are not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

(c) Potty chairs, if used, shall be cleaned and sanitized or disinfected after each use.

(d) Each family day care home shall provide and maintain toilet and bath facilities that are easily accessible and at a height usable by the children. Platforms or stools are acceptable when they are safely constructed, with impervious surfaces, and can be easily cleaned and sanitized or disinfected.

(e) Running water, soap, trash receptacles, toilet paper and individual towels/disposable towels shall be available and within reach of children using the toileting facility.

(f) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used, they shall be discarded after each use.

(g) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface that is cleaned and sanitized or disinfected after each use. The diaper changing area shall be located separate from the food preparation, food service and feeding area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.

### (3) First Aid Kit and Emergency Procedures.

(a) At least one first aid kit must be maintained on the premises of the family day care home at all times and on activities away from the home. The first aid kit shall be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. Soap,
2. Band-Aids or equivalent,
3. Disposable non-porous gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. Pre-moistened wipes,
10. Scissors, and
11. A current resource guide on first aid and CPR procedures.

### (b) Emergency Procedures and Notification.

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

home operators shall call 911 or other emergency numbers in the event of an emergency.

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

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

4. During the home's licensure year, fire drills shall be conducted a minimum of 10 times and shall be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A written record shall be maintained showing the date, time, number of children in attendance, evacuation route used, and time taken to evacuate the home. This record shall be maintained for one year from the date of the fire drill. The fire drills conducted must include, at a minimum:

- a. One fire drill during the established napping/sleeping times,
- b. One fire drill using different an alternate evacuation route, and
- c. One fire drill in the presence and at the request of the licensing authority in coordination with the operator.

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

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

7. The operator shall maintain a written record of the 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.

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

9. 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 met for continued operation as a family day care home.

(4) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Signs and symptoms of a suspected communicable disease include the following:

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

(b) The family day care home shall have a designated isolation area for a child who becomes ill. The child's condition shall be closely observed. 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 of the signs and symptoms listed in paragraph (4)(a), above, shall be placed in the isolation area. Linens and disposable items shall be changed after each use. The condition shall be reported to the custodial parent or legal guardian and the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

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

(d) An operator, substitute, employee, or household member who develops signs and symptoms of a communicable disease or who has a fever of 101 degrees Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in paragraph (4)(a), above, shall leave the areas of the home occupied by the children and shall 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.

(e) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control and follow the health department's direction. A suspected outbreak occurs when two or more children or adults have the onset of similar signs or symptoms, as outlined in paragraph (4)(a), above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected in a child or employee.

(5) Medication. Family day care homes are not required to give medication; however, if they choose to do so, the following shall apply:

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

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

(c) 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. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

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

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

(f) The family day care 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 shall be maintained for a minimum of four months after the last day the child received the dosage.

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

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

(6) Child Discipline.

(a) Family day care homes shall adopt a discipline 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.

(b) All family day care home operators, employees, substitutes, and volunteers must comply with the family day care home's written discipline policy.

(c) A copy of the written discipline policy must be available for review by the parents or legal guardian and the licensing authority.

(7) Child Abuse or Neglect.

(a) Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Sections 402.301-.319, F.S.

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

(8) Transportation.

(a) When any vehicle is regularly used by a family day care home to provide transportation for the children in care, the driver shall have a valid Florida driver's license in accordance with Section 322.03(1), F.S.

(b) All family day care homes must maintain documentation of current insurance coverage on all vehicles used to transport children in care.

(c) The maximum number of individuals transported in a vehicle shall not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved, properly installed, child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(e) An adult must remain within sight and hearing of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination, the following tasks shall be completed by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver to verify the fact that all children have left the vehicle. The log shall be retained for a minimum of six months.

2. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the visual sweep was conducted.

(g) Smoking is prohibited in all vehicles while being used to transport children.

(h) Emergency medical consent forms or copies of the consent forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(i) A permission and transportation release form signed by the custodial parent or legal guardian of the children in care must be on file for planned and unplanned activities. Written permission may be in the form of a general permission slip. Documentation of parental permission must be maintained for a minimum of six months from the date of planned and unplanned activities.

(j) A means of instant communication shall be available at all times while transporting children.

*RuleMaking Authority 402.313, FS. Law Implemented 402.313, FS. History—New 7-2-98, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.*

### **65C-20.011 Health Records.**

(1) Immunizations.

(a) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B, and/or C, DH 680 (April 2009), or the Religious Exemption from Immunization form, DH 681 (July 2008), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local health department. Immunizations received out-of-state are acceptable;

however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the “Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes” as referenced in Rule 64D-3.011, F.A.C.

(b) The family day care home operator is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, DH 3040 (June 2002), incorporated herein by reference and may be obtained from the local county health department, or a signed statement by an authorized professional that indicates the results of the components of the form are included in the health examination from the custodial parent or legal guardian, within 30 days of enrollment. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(c) The Student Health Examination form or signed statement is valid for two years from the date the physical was performed and must be on file as long as the child is in care.

(d) If the custodial parents or legal guardians fail to provide the documentation required in sub-paragraphs (a) or (c) above within 30 days of enrollment, the family day care home shall not allow the child to remain in the program.

(e) School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the family day care home as such records are on file at the school where the child is enrolled.

(f) If the custodial parents or legal guardians need assistance concerning these requirements, the family day care home shall refer them to the Department of Health or to the child's physician.

(g) Medical records in this section are the property of the custodial parent or legal guardian and must be returned when the child is no longer in care. The medical records are transferable if the child is placed in a different family day care home.

(2) Enrollment and Medical Authorization.

(a) The operator shall obtain enrollment information from the child’s custodial parent or legal guardian prior to accepting the child into care. This information shall be documented on CF-FSP Form 5219, March 2009 Child Care Application for Enrollment, which is incorporated by reference, or an equivalent that contains all the information required by the department’s form. CF-FSP Form 5219 may be obtained from the department’s website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) Enrollment information shall be kept current and on file for each child in care.

(c) There shall be signed statements from the custodial parents or legal guardian that the family day care

home has provided them with the following information: The Department of Children and Family Services family day care home brochure, CF/PI 175-28, September 2007, Selecting a Family Day Care Home Provider, which is incorporated by reference. This brochure may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(d) Annually, during the months of August and September, the family day care home must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the department developed a brochure, CF 175-70, June 2009, Influenza Virus, Guide to Parents, which may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

*Rule Making Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.*

### **65C-20.012 Enforcement.**

(1) Definitions.

(a) "Day" means a weekday, excluding weekends and holidays.

(b) "Probation" is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations 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.

(c) "Standards" are requirements for the operation of a licensed family day care home or large family child care home provided in statute or in rule.

(d) "Violation" means a finding of noncompliance by the department or local licensing authority of a licensing standard.

1. "Class I Violation" is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5318, March 2009 Family Day Care Home Standards Classifications Summary and CF-FSP Form 5317, March 2009 Large Family Child Care Home Standards Classification Summary, which is incorporated. A copy of CF-FSP Form 5318 and 5317 may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or do result in death or serious harm to the health, safety or well-being of a child.

2. “Class II Violation” is the second or subsequent incident of noncompliance with an individual Class II standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety or well-being of a child, although the threat is not imminent.

3. “Class III Violation” is the third or subsequent incident of noncompliance with an individual Class III standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class III violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.

4. “Technical Support Violations” are the first or second occurrence of noncompliance of an individual Class III standard or the first occurrence of noncompliance of an individual Class II standard.

(2) Authority. The operation of a family day care home is prohibited unless registered or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home that is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards. Pursuant to Section 120.60(6), F.S., an emergency suspension order may also be used to stop the continued operation if the family day care home poses immediate serious danger to the public health, safety, or welfare of the children who are enrolled.

(3) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The department shall take into consideration the actions taken by the home to correct the violation when determining the appropriate disciplinary sanction.

(b) Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within CF-FSP Form 5318 and CF-FSP Form 5317.

(c) A violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.

(d) Failure to submit a completed CF-FSP Form 5133, Application for a License to Operate a Family Day Care Home, which is incorporated by reference in subsection 65C-20.008(1), F.A.C. or CF-FSP Form 5238, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference in paragraph 65C-20.013(3)(a), F.A.C., for renewal of an annual license at least 45 days prior to the expiration

date of the current license constitutes a licensing violation. The department shall issue an administrative complaint imposing a fine of \$50.00 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period.

(e) Disciplinary sanctions for licensing violations that occur within a two year period shall be progressively enforced as follows:

1. Class I Violations.

a. For the first and second violation of a Class I standard, the department shall, upon applying the factors in Section 402.310(1), F.S., issue an administrative complaint imposing a fine not less than \$100 nor more than \$500 per day for each violation, and may impose other disciplinary sanctions in addition to the fine.

b. For the third and subsequent violation of a Class I standard, the department shall issue an administrative complaint to suspend, deny or revoke the license. The department, upon applying the factors in Section 402.310(1), F.S., may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

2. Class II Violations.

a. For the first violation of a Class II standard, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard occur. The violation will be classified as "Technical Support."

b. For the second violation of the same Class II standard, the department shall issue an administrative complaint imposing a fine of \$50 for each violation. This violation, and subsequent violations, of the same standard within a two year period will be classified as "Class II."

c. For the third violation of the same Class II standard, the department shall issue an administrative complaint imposing a fine of \$60 per day for each violation.

d. For the fourth violation of the same Class II standard, the department shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six months, and the department shall also issue an administrative complaint imposing an additional fine of \$75 per day for each violation.

e. For the fifth and subsequent violation of the same Class II standard, the department shall issue an administrative complaint to suspend, deny, or revoke the license and the department shall also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.

3. Class III Violations.

a. For the first violation of a Class III standard, technical assistance shall be provided. The violation will be classified as “Technical Support.”

b. For the second violation of the same Class III standard, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as “Technical Support.”

c. For the third violation of the same Class III standard, the department shall issue an administrative complaint imposing a fine of \$25 for each violation. This violation and subsequent violations of the same standard within a two year period will be classified as “Class III.”

d. For the fourth violation of the same Class III standard, the department shall issue an administrative complaint imposing a fine of \$30 per day for each violation.

e. For the fifth violation of the same Class III standard, the department shall issue an administrative complaint placing the provider’s license on probation status for a period not to exceed six months, and the department shall also issue an administrative complaint imposing a fine of \$40 per day for each violation.

f. For the sixth and subsequent violation of the same Class III standard, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and the department shall also issue an administrative complaint imposing a fine of \$50 per day for each violation.

#### 4. Children's Health/Immunization Records Disciplinary Sanctions.

a. For the first violation of a Class III Children’s Health and/or Immunization standard, technical assistance shall be provided. The violation will be classified as “Technical Support.”

b. For the second violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as “Technical Support.”

c. For the third violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint imposing a fine in the amount of \$25 for each violation. This Class III violation, and subsequent Class III violations of the same standard within a two year period, will be classified as “Class III.”

d. For the fourth violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint imposing a fine in the amount of \$30 for each violation.

e. For the fifth violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint imposing a fine in the amount of \$40 per day for each violation.

f. For the sixth and subsequent violation of the same Class III Children’s Health and/or Immunization standard, the department shall issue an administrative complaint placing the provider’s license or registration on probation status for a period not to exceed six months, and the department shall also issue an administrative complaint imposing an additional fine of \$50 per day for each violation.

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

*RuleMaking Authority 402.310, 402.313, FS. Law Implemented 402.310, 402.313 FS. History–New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10..*

### **65C-20.013 Large Family Child Care Homes (LFCCH).**

#### **(1) Large Family Child Care Homes.**

(a) A large family child care home, for the purposes of this rule, means a home that that is licensed under Section 402.3131, F.S. A large family child care home must first have operated as a licensed family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for one year. The two consecutive years of operation as a licensed family day care home must have been within five years of the date of the application to operate a large family child care home.

(b) Large family child care homes must meet and comply with all standards in Section 402.3131, F.S., and in this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.

(c) Large family child care homes shall meet all of the requirements in Rules 65C-20.008-.012, F.A.C., in addition to the requirements listed below.

#### **(2) Large Family Child Care Home Definitions.**

(a) “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.

(b) “Hours of Operation” means the hours of the day or night that a large family child care home has children in care.

(c) “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.

(d) “Substitute” means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) Large Family Child Care Home Application and License.

(a) Application for a license or for renewal of a license to operate a large family child care home must be made on CF-FSP Form 5238, March 2009, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference. CF-FSP Form 5238 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A license to operate a large family child care home may be used to operate a family day care home when the number of children in care meets the definition of a family day care home. A license to operate a family day care home cannot be used to operate a large family child care home.

(b) A completed CF-FSP Form 5238, for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5238, at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-20.012(3)(d), F.A.C.

(c) CF-FSP Form 5238 is not considered complete until the licensing authority receives proof of background screening clearance on the operator of the large family child care home, substitutes, and on all other household members who are subject to background screening pursuant to Section 402.3131(2), F.S. If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute for the operator must comply with background screening requirements and the licensing authority must receive proof of background screening clearances.

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

(e) CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting Requirements, must be signed annually by the operator, employee and substitute(s).

(f) The large family child care home license shall be issued in the name of the operator, who must be at least 21 years of age and the resident of the large family child care home. In the event of rental or leased property, the operator shall be the individual who occupies the residence.

(g) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) Large Family Child Care Home Personnel.

(a) The employee must within 5 working days after starting work, submit to the employer a complete set of information necessary to conduct a screening under this section.

(b) Initial Screening. Screening information for the employee must be documented on CF-FSP Form 5131, March 2009, Background Screening and Personnel File Requirements, which is incorporated by reference. A copy of CF-FSP 5131 may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(c) Re-screening. Re-screening information for the employee must be documented on CF-FSP Form 5131.

(5) Large Family Child Care Home Staff Training.

(a) Definitions.

1. "Active" is the status of a candidate's awarded credential or certification which demonstrates that the credential requirements have been successfully met.

2. "Begin training for child care personnel" refers to a candidate's commencement of at least one of the child care training courses listed in paragraph 65C-20.0013(5)(c), F.A.C. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida family day care home or large family child care home. The large family child care home is responsible for obtaining documentation from child care personnel.

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

4. "Early Childhood Education" refers to coursework, certification, a credential or degree that specializes in children ages birth through eight years.

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

6. "Florida Department of Education Child Care Apprenticeship Certificate (CCAC)" is a department-

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

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

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

9. "High School Diploma, GED and/or College Degree" means a diploma or degree obtained from an institution accredited and recognized by the 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.

10. "Inactive" refers to the status of a candidate's awarded credential or certification that is no longer active; however, remains eligible for renewal.

11. "National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early

childhood credential approved by the department and recognized by licensing authorities in at least five states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight years, and includes at least two methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

12. "Professional contribution" demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.

13. "Year of experience" is equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.

(b) Large Family Child Care Home Operators. In addition to the training requirements identified in rule 65C-20.009(3)(a) and (c), F.A.C., large family child care home operators must:

1. Possess an active Staff Credential Verification Confirmation, documented on the Training Transcript.

a. To apply for a staff credential verification, a candidate must complete CF-FSP Form 5211, March 2009, Florida Child Care Staff Credential Verification Application, which is incorporated by reference, and may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Operator must meet one of the following credentials below for a minimum of one year prior to initial Large Family Child Care Home Licensure:

(I) An active National Early Childhood Credential (NECC); or

(II) An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC), a Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC); or

(III) An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC); or

(IV) Formal Educational Qualifications.

b. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Homes.

c. An Employment History Recognition Exemption and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).

d. Florida law requires that VPK instructional personnel possess an appropriate credential. If the department identifies that a designated VPK teacher does not have an active credential, the department will

notify the local Early Learning Coalition or its designated representative.

2. Within six (6) months of licensure, 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.

a. These courses include:

(I) Infant and Toddler Appropriate Practices (10 hours),

(II) Preschool Appropriate Practices (10 hours),

(III) School-Age Appropriate Practices (10 hours),

(IV) Special Needs Appropriate Practices (10 hours),

(V) Early Literacy for Children Ages Birth Through Three (5 hours online),

(VI) Basic Guidance and Discipline (5 hours online),

(VII) Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or

(VIII) Early Childhood Computer Learning Centers (5 hours online).

b. Child care operators have one opportunity, if they choose, to exempt from one or more of the department's training courses prior to attending training by successful completion of corresponding competency examinations. If the Part II training course is only available online, exemption examinations are not available.

c. The department or its designated representative shall exempt individuals from one or more of the department's training courses with a:

(I) Bachelor's degree or higher in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

(II) Bachelor's degree or higher in Elementary Education from the School-Age Appropriate Practices course.

(III) Bachelor's degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.

3. Maintain an active staff credential, documented on the individual's Training Transcript. Inactive staff credentials may not be used to operate a large family child care home.

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

b. To renew an active Birth Through Five or School-Age Child Care Credential, every five years a candidate must complete the renewal section of the CF-FSP Form 5211; if all criteria are met, the individual's Training Transcript will be updated with renewed credential information. Renewal applications may be submitted by the candidate no earlier than one year prior to the end of the active period of the Birth Through Five or School-Age Child Care Credential. An individual with an inactive Birth Through Five or School-Age Child Care Credential may submit a renewal application, but while inactive, the credential shall not be 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.

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

(c) Large Family Child Care Home Employees. Employees in a large family child care home shall be at least 18 years of age and must satisfy the following training requirements:

1. Within 90 days of employment in a Florida large family child care home, 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 (5) 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.

2. Within 12 months of date of employment in the Florida large family child care home, complete a single course of training in early literacy and language development of children ages birth through five years that is a minimum of five-(5)-clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, employees must complete one of the following:

a. One of the department's online literacy courses available on the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One of the department's approved literacy training courses. A list of these courses may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One college level early literacy course (for credit or non-credit) if taken within the last five years.

(d) Large Family Child Care Home Substitutes. Substitutes are persons designated by the operator to care for children in the absence of the operator or an employee. Substitutes must be at least 18 years of age. Substitutes for the operator and an employee who works more than 40 hours per month on average must meet the training requirements in paragraph 65C-20.009(3)(a), F.A.C. Substitutes for the employee who work less than 40 hours per month on average must meet the training requirements in paragraph 65C-20.009(3)(b), F.A.C.

(6) Large Family Child Care Home Annual In-Service Training. All large family child care home operators and employees, must complete the annual in-service training requirements in subsection 65C-20.009(4), F.A.C.

(a) 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.

(b) 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.

(c) Employees continuously employed or hired prior to the last month of the provider's licensure year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

(7) Large Family Child Care Home Supervision.

(a) In a large family child care home, direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities responding to each child's need. While children are napping or sleeping in bedrooms, the bedroom doors must remain open.

(b) Additional Supervision Requirements.

1. 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 preschoolers, or any fraction thereof, to provide direct supervision to the children. If some children remain in the home, the adult supervision staff-to-child ratios as required in Section 402.302(7), F.S., shall apply and must be maintained. In addition, one staff member on the field trip and one staff member remaining on the premises with children must have a valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training. At no

time shall the total number of children exceed the capacity as defined in Section 402.302(8), F.S.

2. 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 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 area.

(8) Large Family Child Care Home Transportation. In addition to the transportation requirements identified in subsection 65C-20.010(8), F.A.C., a large family child care home must comply with the following:

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

(b) Upon arrival at the destination, a second adult shall:

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 driver's log immediately, verifying that all children were accounted for and that the log is complete.

(c) 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 and shall follow the transportation guidelines for a family day care home as defined in subsection 65C-20.010(8), F.A.C.

(9) Large Family Child Care Home Planned and Unplanned Activities.

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

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

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

(10) Large Family Child Care Home General Requirements.

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

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child that does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

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

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity suitable for each child to be involved in activities.

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

(c) Outdoor Play Area and Outdoor Equipment.

1. At all large family child care homes, the outdoor play area shall maintain safe and adequate fencing or walls, a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play area located on their property and which is used for the children attending or residing at the large family child care home, during operating hours. Large family child care homes caring only for infants under 12 months of age shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

(d) Emergency Procedures and Notification. The operator 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. This plan shall be posted and shared with the employees, custodial parents, and/or legal guardians.

*RuleMaking Authority 402.309, 402.3131 FS. Law Implemented 402.302, 402.302(13), 402.305, 402.309, 402.3131 FS. History–New 5-21-00, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.*

### **65C-20.014 Gold Seal Quality Care Program**

#### (1) Definitions.

(a) Gold Seal Quality Care Provider refers to a child care program that is accredited by a nationally recognized accrediting association pursuant to Section 402.281(1), F.S.

1. “Effective” refers to the beginning date of a Gold Seal Quality Care provider’s designation certificate issued by the Child Care Program Office.

2. “Expired” refers to the end date of a provider’s Gold Seal Quality Care designation certificate issued by the Child Care Program Office.

(b) “Gold Seal Quality Care Accrediting Association” refers to an accrediting association that has applied for and been approved by the department.

1. “Active” refers to the status of a Gold Seal Quality Care Accrediting Association that has met all the criteria for accreditation and has been designated a Gold Seal Quality Care Accrediting Association by the department.

2. “Inactive” refers to the status of a Gold Seal Quality Care Accrediting Association in which all criteria for accreditation are no longer being successfully met or where an entity has failed to renew its active designation.

3. “Nationally Recognized” refers to an association whose accrediting body is recognized and is actively issuing accreditation certificates in at least five states at the time of approval.

#### (2) Gold Seal Quality Care Provider Requirements.

##### (a) Gold Seal Quality Care Provider Designation Certificate.

Pursuant to Section 402.281(1), F.S., family day care homes and large family child care homes seeking to obtain designation as a Gold Seal Quality Care provider shall provide the department with documentation of accreditation by an accrediting association that has been approved by the department. Acceptance of the documentation is subject to verification by the issuing accrediting association. A list of approved accrediting associations may be obtained from the department’s website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) Gold Seal Quality Care Enforcement.

1. Gold Seal Quality Care providers must maintain accreditation by a Gold Seal Quality Care Accrediting Association in order to retain their designation. A family day care home's Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a family day care home must meet the additional criteria outlined in Section 402.281(3), F.S.

2. If a provider's Gold Seal Quality Care designation is revoked by the department, the Gold Seal Quality Care designation will be terminated effective on the date of revocation.

3. If a provider's accreditation is revoked by the accrediting association, termination of the provider's Gold Seal Quality Care designation by the department will be effective on the date of revocation.

4. If a provider receives accreditation from an inactive accrediting association, it shall not be recognized as a Gold Seal Quality Care Provider.

(3) Gold Seal Quality Care Accrediting Association Requirements.

(a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315, March 2009, Gold Seal Quality Care Accrediting Application, which is incorporated by reference. CF-FSP Form 5315 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six month waiting period from the date of denial before re-submission during the next scheduled acceptance month.

(b) The department may revoke a Gold Seal Quality Care Accrediting Association's active status for failure to notify the department of a change in the association's administration, operation or any condition under which the accreditation association was initially approved by the department as a Gold Seal Quality Care Accrediting Association, if such change results in the Association's inability to meet the criteria provided in Section 402.281, F.S.

(c) Active Gold Seal Quality Care Associations must re-apply every five years by submitting CF-FSP Form 5315 that may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Re-applications must be received a minimum of six months prior to end of the five year period. Failure to submit CF-FSP Form 5315 every five years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association.

(d) Inactive Gold Seal Quality Care Accrediting Associations seeking to renew their active status must be in compliance with all requirements outlined on CF-FSP Form 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending department's approval.

*RuleMaking Authority 402.281 FS. Law Implemented 402.281, FS. History–New 5-1-08, 1-13-10.*