

**CHAPTER 65C-22  
CHILD CARE STANDARDS**

65C-22.001 General Information  
65C-22.0011 Definitions  
65C-22.002 Physical Environment  
65C-22.003 Training  
65C-22.004 Health Related Requirements  
65C-22.005 Food and Nutrition  
65C-22.006 Record Keeping  
65C-22.007 Evening Child Care  
65C-22.008 School Age Child Care  
65C-22.009 Gold Seal Quality Care Program  
65C-22.010 Enforcement

**65C-22.001 General Requirements Information.**

(1) Application.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, ~~July 2012~~ (insert date), Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department's website at [www.myflfamilies.com/childcare](http://www.myflfamilies.com/childcare) ~~www.myflorida.com/childcare~~ or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03028>.

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

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

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

~~(2)(e)~~-Urban Child Care.

~~(a)1-~~ In order to be classified as an urban child care facility, the applicant, prior to submitting an application for licensure must:

~~1.a-~~ Obtain written documentation from the local governing body that confirms the geographical area has been declared urban; and

~~2.b-~~ Consult with the licensing authority to verify that the required outdoor play space, required by subsection 65C-22.002(4), F.A.C., does not exist or cannot be made available. Urban designation will not be granted if the licensing authority determines space for an outdoor play area is available. Outdoor play space is "available" if

appropriate space:

~~a.(1)~~ is adjacent to the facility, or

~~b.(H)~~ can be reached by a route that is free of hazards and is within 1/8 mile of the facility.

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

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

~~(32)~~ License.

(a) A child care facility license is issued in the name of the owner. The owner may be an individual, partnership, association, or corporation. The license is non-transferable between owners and locations.

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

- ~~1. Posting a notice in a conspicuous location at the facility;~~
- ~~2. Incorporating information into an existing newsletter; or~~
- ~~3. Individual letters or flyers.~~

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

(b) During the hours of operation, the child care facility must not be used for any business or purpose unrelated to providing child care that can interfere with compliance with child care standards or permit the presence of individuals who do not meet screening and training requirements when children are present. A child care facility that utilizes any area that is subject to use by persons outside of the program must have exclusive control of such area when used by the program and provide effective measures to exclude individuals who do not meet screening and training requirements from that area.

(c) The child care facility must include their license number in any advertisement about their services.

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

(4) Change of ownership.

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

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

(b) A completed CF-FSP Form 5017 for a change of ownership must be submitted by the new prospective owner to the licensing authority prior to the final sale of the business. The Department has 45 days from receiving a completed application to issue a license to the new prospective owner.

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

(4) Ratios.

(a) The staff to child ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children, and applies at all times while children are in care.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where children under one year of age are included, one staff member shall be responsible for no more than four children of any age group, at all times.

2. In groups of mixed age ranges, where children one year of age but under two years of age are included, one staff member shall be responsible for no more than six children of any age group, at all times.

(c) For every 20 children, a child care facility must have one (1) credentialed staff member pursuant to Section 402.305(3), F.S.

(5) Supervision.

(a) Child care personnel are responsible for picking up a child from a designated location agreed upon by the provider and the parent. The provider is responsible for the supervision of the child upon the child's arrival at the designated point. If a child is not present at the time of pick-up, prior to leaving the designated location, child care personnel must verify the whereabouts of the child.

(ba) Direct supervision means actively watching and directing children's activities within the same room or designated outdoor play area, during transportation, any activity outside of the facility, and responding to the needs of each child while in care. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children, and be present with that group of children at all times. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care, shall be capable of responding to emergencies, and are accountable for children at all times, including when children are separated from their groups.

(6) Child Care Standards. Child care programs must follow the standards found in the "Child Care Licensing Handbook", (insert date), incorporated herein by reference. The handbook may be obtained from the Department's website at [www.myflfamilies.com/childcare](http://www.myflfamilies.com/childcare) or from the following link (insert link).

(7) Definitions for terms used in this rule are contained in the "Child Care Licensing Handbook".

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

(a) CF Form 1649A, (insert date), Child Care Affidavit of Good Moral Character. A copy may be obtained from the following link: (insert link).

(b) CF-FSP Form 5131, (insert date), Background Screening and Personnel File Requirements. A copy may be obtained from the following link: (insert link).

(c) CF-FSP Form 5191, (insert date), Birth Through Five Florida Child Care Professional Credential (FCCPC)

Training Program Application. A copy may be obtained from the following link: (insert link)

(d) CF-FSP Form 5211, (insert date), Staff Credential Application. A copy may be obtained from the following link: (insert link)

(e) CF-FSP Form 5217, (insert date), Volunteer Acknowledgement. A copy may be obtained from the following link: (insert link)

(f) CF-FSP Form 5219, (insert date), Child Care Application for Enrollment. A copy may be obtained from the following link (insert link)

(g) CF-FSP Form 5252, (insert date), Florida Child Care and Education Program Director Credential. A copy may be obtained from the Department's website at [www.myflfamilies.com/childcare](http://www.myflfamilies.com/childcare) or from the following link (insert link)

(h) CF-FSP Form 5257, (insert date), School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application . A copy may be obtained from the following link (insert link)

(i) CF-FSP Form 5268, (insert date), Child Care In-Service Training Record . A copy may be obtained from the following link (insert link)

(j) CF-FSP Form 5270, (insert date), Florida Child Care Professional Credential Certificate . A copy may be obtained from the Department's website at [www.myflfamilies.com/childcare](http://www.myflfamilies.com/childcare) or from the following link (insert link)

(k) CF-FSP Form 5290, (insert date), Florida Child Care Director Credential and Renewal Application. A copy may be obtained from the following link (insert link)

(l) CF-FSP Form 5337, (insert date), Child Abuse and Neglect Reporting Requirements. A copy may be obtained from the following link (insert link)

(m) CF/ PI 175-24, March 2014, Know Your Child Care Facility. A copy may be obtained from the following link (insert link)

(n) CF/ PI 175-70, June 2009, Influenza Virus, Guide to Parents. A copy may be obtained from the following link (insert link)

(o) DH 680, July 2010, Florida Certificate of Immunization. A copy may be obtained from the following link (insert link)

(p) DH 681, July 2008, Religious Exemption From Immunization. A copy may be obtained from the following link (insert link)

(q) DH 3040, July 2013, School Entry Health Exam. A copy may be obtained from the following link (insert link)

(r) N-050-06, Child Care Food Program Meal Pattern for Children (CCFP), September 30, 2019. Copies may be obtained from the following link: (insert link)

(s) N-051-04, Child Care Food Program Meal Pattern for Infants, September 2016. Copies may be obtained from the following link: (insert link)

(t) USDA MyPlate, August 2011. A copy may be obtained from the following link: (insert link)

(u) Center for Disease Control guidelines, January 2013. A copy may be obtained from the following link: (insert link)

~~—(b) During nap time, supervision requires that staff be in close proximity, within sight and hearing of all the children. All other staff required to meet the staff to child ratio shall be within the same building on the same floor, and must be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision, as described in this Section, does not include supervision of children up to 24 months of age, who must be directly supervised at all times.~~

~~(c) During feeding times, children shall be individually fed or supervised appropriately for their ages and developmental abilities.~~

~~—1. Infants shall be held for bottle feedings until they are developmentally ready to sit in a high chair with good head control. Children shall not be left in high chairs or other types of feeding chairs outside of feeding times. The use of safety straps to prevent falls is required whenever children are placed in high chairs.~~

~~—2. There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed and documented in the child's file.~~

~~—(d) No person shall be an operator, owner, or employee of a child care facility while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.~~

~~—(e) Additional Supervision Requirements.~~

~~1. In addition to the number of staff required to meet the staff to child ratio, for the purpose of safety, one additional adult must be present on all field trips away from the child care facility to assist in providing direct supervision.~~

~~2. If a child care facility uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the child care facility must provide one person with a certified lifeguard certificate or equivalent unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (d)1., above.~~

~~3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two way radio devices, citizen band radios, and other means of instant communication are acceptable.~~

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

~~(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have the following:~~

~~1. A valid Florida driver's license,~~

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

~~(b) All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S.~~

~~(c) All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.~~

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

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

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

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

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

~~a. Mark each child off the log as the children depart the vehicle;~~

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

~~and~~

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

~~3. Upon arrival at the destination, a second staff member shall:~~

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

~~b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the log is complete.~~

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

~~(7) Planned Activities.~~

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

~~—1. Promote emotional, social, intellectual and physical growth. Children shall not be left in confining devices such as car seats as an alternative to active play or adult/child interaction, supervision, or discipline.~~

~~—2. Do not utilize electronic media time (television, videos, movies, or computer games) with children younger than 2 years of age. Electronic media may only be used for educational purposes or physical activity for children older than 2 years of age.~~

~~—3. Limit electronic media time to no more than 1 to 2 hours per day for children older than 2 years of age.~~

~~—4. Include quiet and active play, both indoors and outdoors.~~

~~—5. Include meals, snacks and nap times, if appropriate for the age and the times the children are in care.~~

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

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

~~(8) Child Discipline.~~

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

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

~~—(c) Children may not be denied active play as a consequence of misbehavior.~~

~~—(d) A copy of the facility's current written disciplinary policy must be available to the licensing authority to review for compliance with section 402.305(12), F.S.~~

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

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

~~(11) Child Safety.~~

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

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

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

*History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 8-1-13. [New Date]*

**65C-22.0011 Definitions.**

(1) Caterer – A food service business that prepares food at a remote or distant location and transports ready-to-be-served meals to a provider for a fee. Caterers must be licensed and/or permitted by the applicable state or federal agency. A copy of the license or permit must be in the child care facility and available for review by licensing authority.

(2) Classroom – Rooms occupied by children, arranged with materials and equipment intended to implement a plan of activities.

(3) Food equipment – All stoves, ranges, crock pots, microwaves, hoods, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, and other items used in the preparation, reheating, and serving of food, with the exception of utensils.

(4) Potentially Hazardous Food - Any food that requires time-temperature control (refrigeration or hot holding) and contains in whole or in part: milk, milk products, eggs, meat, poultry, fish, shellfish, cooked plant food (rice, beans, vegetables, and baked potatoes), tofu, other soy-protein products, mushrooms, cut melon, cut tomatoes, raw sprouts, and untreated garlic/oil mixtures.

(5) Preparation of food - Includes the selection, measurement and combining of ingredients in an ordered procedure to create a meal intended for consumption. This definition is not limited to cooking. Bottle preparation is included in this definition. Excludes warming of pre-prepared bottles and pre-prepared food (including catered food and food brought from home), distributing snacks, and learning activities provided by a child care program that may include raw and prepared food. A learning activity may not replace a regularly scheduled meal.

(6) Sanitize - The process of destroying or reducing organisms to a safe level. Includes properly cleaned equipment and surfaces, such as sinks and sleep mats. Sanitation shall be accomplished with the application of a chemical sanitizer or the use of hot water or steam. Sanitizing agents must be used according to the manufacturer label. Sanitizing agents used on food contact surfaces must be labeled by the manufacturer safe for use on food contact surfaces and have specific instructions designed for use on food contact surfaces. The manufacturer's directions must be followed.

(7) Serving food – for the purpose of this definition, serving food is limited to meals and snacks, as indicated on the posted menu.

(8) Single-service articles – Any cups, containers, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles that are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, then to be discarded.

(9) Tableware – utensils used for eating, drinking, and serving food including forks, knives, spoons, bowls, cups and serving dishes. Tableware may be either multi-use or single service.

(10) Utensils – pots, pans, ladles, pitchers, cutting boards, knives, or food containers used in the preparation,



storage, transportation, or serving of food.

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 8-1-13.*

#### **65C-22.0011 Definitions.**

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 8-1-13. Repealed (Insert Date)*

#### **65C-22.002 Physical Environment.**

##### **(1) General Requirements.**

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

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

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

(d) Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens. Infants birth to 12 months should have adequate time and space to engage in activities that promote development of movement skills (tummy time, crawling, turning over, sitting, etc.). Infant seats (swings, bouncers, etc.) should be used only for short periods of time, no more than 15 to 30 minute intervals per infant and no more than two times per day that the child is in care.

(e) Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority. Animals are prohibited in areas where food is prepared. If animals or birds are kept in classrooms as pets, they shall be caged away from the food storage and preparation or service area, and cages kept clean.

(f) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives, sharp tools, and other potentially dangerous hazards, shall either be stored in a locked area or must be inaccessible and out of a child's reach.

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

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

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

(j) Design and construction of a new child care facility or modifications to an existing facility must meet the

minimum requirements of the applicable local governing body. The facility must provide current written approval from the local governing body to verify compliance with building and plumbing requirements.

(2) Rooms Occupied by Children.

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

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

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

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

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

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

(3) Indoor Floor Space.

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

(b) Usable indoor floor space refers to space available for indoor play, classroom, work area, or nap area. To determine overall facility capacity, usable indoor floor space is calculated by measuring at floor level from interior walls, and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens and designated food preparation areas, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space to determine total facility capacity. Each room routinely used as a classroom must provide the minimum square footage per child defined in paragraph (3)(a), above.

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

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

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

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

(4) Outdoor Play Area.

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

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

(c) The outdoor play area shall be clean, free from litter, nails, glass, and other hazards.

1. The outdoor play area shall provide shade.

2. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided.

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

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

(f) For the purposes of child care facilities that are providing care to school-age children, a fence is not required if all the following conditions are met:

1. The children using the outdoor play area are in five-year-old kindergarten and grades one or above;

2. One additional staff member above the established staff-to-child ratios provides direct supervision during all outdoor activities;

3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour, and the playground is a minimum of 30 feet from the edge of the road; and

4. The licensing authority has provided written authorization to the program to operate without a fence.

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

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

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

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

(b) A minimum distance of 18 inches must be maintained around individual napping and sleeping spaces, except a maximum of two sides of a napping or sleeping space may be against a solid barrier, such as a wall. The solid side of a crib does not meet the requirement of a solid barrier.

1. Napping and sleeping spaces shall not be under furniture or against furniture that may create a hazard.

2. Napping and sleeping spaces shall not interfere with exit areas, which must remain clear in accordance with fire safety regulations.

(c) Children up to one year of age must be in an individual crib, portacrib, or playpen with sides. Crib sides

must be secured while an infant is in the crib, and bar spacings may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1219 & 1220 Code of Federal Regulations, December 28, 2010, which is incorporated by reference. A copy may be obtained from the department's website, [www.myflorida.com/childcare](http://www.myflorida.com/childcare) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03038>. No double or multi-deck cribs, cots or beds may be used.

(d) When napping or sleeping, young infants who are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS) unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(6) Restrooms.

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

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

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

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

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

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

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

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

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

(7) Fire and Emergency Safety.

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

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

(c) The facility must properly maintain fire extinguishers with a minimum rating of 2A10BC at all times. All

staff shall be proficient in the use and operation of a fire extinguisher. Travel distance to the nearest extinguisher shall not be more than 75 feet from rooms occupied by children. A fire extinguisher must be present in areas where food is prepared.

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

(e) During the facility's operating year, fire drills shall be conducted monthly at various dates and times when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:

1. One fire drill during the established napping/sleeping times,
2. One fire drill using an alternate evacuation route, and
3. One fire drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

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

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

(h) The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the facility during a fire, lockdown and inclement weather (for example: hurricanes, tropical storms, or tornadoes), and to facilitate parent/guardian reunification. The plan shall describe how the facility will meet the needs of all children, including children with special needs, during and following an emergency event.

(i) Emergency preparedness drills shall be conducted when children are in care. Each drill outlined in the emergency preparedness plan must be practiced a minimum of one time per year, and may substitute for up to three monthly fire drills as referenced in paragraph 65C-22.002(7)(e), documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

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

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

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

(m) Automatic range-top fire suppression systems are required in the kitchen for facilities that produce steam or grease laden vapors or shallow fry or deep fry food. Suppression hood systems must be maintained and inspected in

accordance with the Florida Fire Prevention Code as adopted in Chapter 69A-60, F.A.C.

(8) Food Preparation Area. A food preparation area is a designated room, such as a kitchen, or a designated space in a facility not used in normal day-to-day operations - such as indoor play, classroom, work, or nap spaces – and not included when calculating usable indoor floor space. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of “preparation of food” in subsection 65C-22.0011(5), F.A.C.

(a) The food preparation area must include the following:

1. Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors, such as, a fan, vent, or open window with a screen.

2. Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food-contact surfaces are surfaces of equipment, countertops, utensils, etc. that food contacts during food preparation.

3. Food equipment maintained and stored in a sanitary manner and out of the reach of children.

4. Shielded lighting.

5. Nonabsorbent and easily-cleaned flooring or floor covering.

6. Ceiling must be easily cleanable or replaceable in the event of water and other damage, mildew, or mold.

7. A separate hand washing station with hot running water a minimum of 100 degrees Fahrenheit. A hand washing station must include a sink with running water and drainage, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained. Hand washing stations must include posted signs visible to employees and children demonstrating proper hand washing technique. Portable sinks may not be used for warewashing or food preparation. If a portable sink is used for hand washing in the food preparation area, hot water must be provided.

8. Leakproof, nonabsorbent containers, covered with a tight-fitting lid, for all food waste stored inside the facility. The container shall be emptied, cleaned and sanitized or disinfected at least daily.

(b) Employees, volunteers, and substitutes, while working in the food preparation area, must wear proper head covering, such as a hair net or hat. To prevent barehand contact with ready-to-eat foods, staff must use disposable gloves, utensils, or similar items in the food preparation area.

(c) For safety, children shall not be present in the food preparation area when meals and snacks are prepared.

(d) The food preparation area must be clean and free of dust, dirt, food particles, pest and grease deposits.

(9) Food Storage. Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if site of storage is a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

(a) Food containers, such as, but not limited to; cans, plastic containers, boxes, and bags, shall be stored above the floor on clean surfaces protected from splash and other contamination.

(b) Food must be consumed or discarded on or before the expiration dates listed by the manufacturer.

(c) Poisonous/toxic or cleaning products must be stored separately from food.

(d) Opened packages of perishable or leftover food items must be properly covered or sealed in containers or

bags, labeled with date, properly stored, and discarded within seven calendar days.

(e) Opened packages of dried goods must be properly covered/sealed, properly stored, and discarded according to the manufacturer's recommended date or if the quality of the goods has been compromised.

(f) Refrigerators/freezers.

1. An accurate thermometer must be inside each refrigeration unit used to verify adequate cold storage temperature. Refrigerators must be maintained at 41 degrees Fahrenheit or below and freezers must be maintained at 0 degrees Fahrenheit.

2. Food may be frozen prior to the expiration date but when thawed it must be labeled with the date it was removed from the freezer and discarded within seven calendar days.

3. Frozen food must be labeled by date and type noted below and stored according to the following table:

Food Item	Months
Bacon and sausage	1 to 2 months
Casseroles	2 to 3 months
Frozen dinner and entrees	3 to 4 months
Ham, hot dogs, lunchmeats	1 to 2 months
Meat, uncooked	4 to 12 months
Meat, uncooked ground	3 to 4 months
Meat, cooked	2 to 3 months
Poultry, cooked	4 months
Soups and stews	2 to 3 months

(10) Health and Sanitation.

(a) General Requirements.

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

2. Employees, volunteers, 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. Examples of activities when hand washing is required include, but are not limited to: before and after eating, immediately following outdoor play, after toileting, following the use of any cleaners or toxic chemical, before and after administering medication, and during food preparation and snack distribution.

a. Employees, volunteers, substitutes, and children must follow the Centers for Disease Control guidelines for hand washing, form CS221687C, January 2013, which are incorporated by reference, and encourage the children in care to develop good hand washing habits. Copies of the Center for Disease Control guidelines may be obtained from the Center for Disease Control website at [www.cdc.gov](http://www.cdc.gov) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03037>.

b. The use of hand sanitizers does not substitute for hand washing.

c. Employees, volunteers, and substitutes with open wounds and/or any injury that inhibits hand washing, such

as casts, bandages, or braces, shall not prepare food.

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

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

(b) Diapering Requirements.

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

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

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

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

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

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

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

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

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

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

(c) Bedding and Linens.

1. Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping.

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

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

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



other linens.

(d) Warewashing and Sanitization. For facilities that prepare food, non-disposable food equipment, tableware, and utensils utilized for food preparation and food consumption shall be properly cleaned by pre-rinsing or scraping, washing, rinsing, sanitizing, and air drying. If the child care facility lacks adequate warewashing and sanitation described in this section for dishes, equipment, and utensils, only disposable single-use items may be used. All single service items must be discarded after each use. Food equipment, tableware, and utensils used to prepare food must be washed and sanitized on-site, except when a caterer is used and the caterer is responsible for warewashing as evidenced by a written agreement.

1. Warewashing and sanitation must be accomplished by one of the following:

a. A dishwasher with a sanitizing cycle.

1. The dishwasher must use heat or chemical injection for sanitization.

2. If chemical sanitization is used, the wash water temperature must be set at a minimum of 120 degrees Fahrenheit and the rinse water must be a minimum of 75 degrees Fahrenheit.

3. Automatic sanitizing dispenser must be properly installed and maintained.

4. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during one full cycle per day at minimum.

5. If hot water is used for sanitization, the dishwasher must achieve a temperature of 160 degrees Fahrenheit on the surface of equipment/dishes/utensils being washed.

6. The facility must have a means for measuring the required temperature either by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine;

b. An installed three compartment sink or an installed two compartment sink with a non-stationary or portable compartment receptacle. Installed compartment sinks may be used to wash produce and to fill cooking pots and pans with water when not in use for warewashing. Sinks must be sanitized before and after each use.

1. The first compartment must be used for washing, the second compartment must be used for rinsing, and the third compartment must be used for sanitizing. If only an installed two compartment sink is available, the second compartment must be used for rinsing and a non-stationary or portable compartment receptacle must be available and used to sanitize.

2. If chemical sanitization is used, an exposure time of at least seven seconds is required for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 75 degrees Fahrenheit. If other sanitizers are used, the manufacturer instructions must be strictly followed.

3. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.

4. If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half minute in hot water at a temperature of 170 degrees Fahrenheit or above;

(e) Food handling.

1. Bottles and sippy cups provided by the facility must be washed and sanitized between each use. Bottles and sippy cups brought from home shall be individually labeled with the child's first and last name. Sippy cups and

bottles brought from home shall be returned to the custodial parent or legal guardian daily.

2. Bottles and sippy cups provided by the facility which are washed, rinsed, and sanitized after each use do not have to be labeled.

3. Milk and food shall not sit out for longer than 15 minutes prior to the beginning of the meal to avoid contamination and spoilage.

4. Employees, volunteers, and substitutes, while distributing snacks or serving food, must use items such as napkins, disposable gloves, utensils, or similar items to prevent skin contact with food.

5. Food provided by parents must be stored and handled in a sanitary manner at all times.

(11) Equipment and Furnishings.

(a) Indoor Equipment.

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

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

3. Facilities shall provide sufficient age-appropriate seating at meals.

(b) Outdoor Equipment.

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

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

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

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

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

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, 8-1-13.*

**65C-22.002 Physical Environment.**

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, 8-1-13. Repealed (insert Date)*

### **65C-22.003 Training.**

#### **(1) Definitions.**

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

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

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

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

(e) “Director,” means “operator” as defined in Section 402.302(13), F.S. and is the on-site administrator or individual who has the primary responsibility for the day-to-day operation, supervision, and administration of a child care facility.

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

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

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

(i) “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.

(j) “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.

(k) “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.

(l) Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department’s training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be met by either instructor-led or online training. Foster grandparents must begin training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. 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.

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

approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

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

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

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

(q) “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).

(r) “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.

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

## (2) Training Requirements.

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

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

2. The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training developed by the department, identified below:

- a. Child Care Facility Rules and Regulations;
- b. Health, Safety, and Nutrition;
- c. Identifying and Reporting Child Abuse and Neglect;
- d. Child Growth and Development; and
- e. Behavioral Observation and Screening.

3. Part II is comprised of 10 hours of training that consists of a selection from the department’s specialized training courses:

- a. Infant and Toddler Appropriate Practices (10 hours),
- b. Preschool Appropriate Practices (10 hours),
- c. School-Age Appropriate Practices (10 hours),
- d. Special Needs Appropriate Practices (10 hours),
- e. Basic Guidance and Discipline (5 hours online),
- f. Early Literacy for Children Age Birth to Three (5 hours online),
- g. Early Childhood Computer Learning Centers (5 hours online), or
- h. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

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

5. In the event an individual leaves the child care industry in compliance with the training requirements described in this section, and returns to the industry either at the same or a different child care facility, he or she shall be granted 90 days to comply with any new mandated training requirements established during the gap in employment in the child care industry.

6. In the event an individual leaves the child care industry not in compliance with the training requirements described in this section, and returns to the industry either at the same or a different child care facility, he or she must comply with the training requirements described in this section, in addition to any new mandated training requirements that may have been established during the gap in employment in the child care industry prior to re-employment.

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

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

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

2. In order to meet the literacy training requirement, child care personnel must complete one of the following:

- a. One of the department's online literacy courses available on the department's website at [www.myflorida.com/childcare](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.

(3) Exemptions from the Introductory Child Care Training.

(a) Competency Examination Exemptions. Child care personnel have one opportunity, if they choose, to exempt from one or more of the department's Introductory Child Care Training courses prior to attending training by achieving a weighted score of 70 or better on the corresponding competency examination(s). If the Part II training

course is only available online, exemption examinations are not available.

(b) Educational Exemptions.

1. The department or its designated representative shall exempt from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses those child care personnel who meet one of the following educational qualifications:

a. Associate's degree or higher with six college credit hours in early childhood/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

b. An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).

2. The department or its designated representative shall exempt child care personnel with a Bachelor's degree or higher in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

3. The department or its designated representative shall exempt child care personnel with a Bachelor's degree or higher in Elementary Education from the School-Age Appropriate Practices course.

4. The department or its designated representative shall exempt child care personnel with a Bachelor's degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.

5. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses, or from the department's online training courses.

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

(a) A copy of the Training Transcript must be included in each staff member's child care personnel record and maintained at each child care facility.

(b) A copy of the Training Transcript for the director of a child care facility must be included in the department's official licensing file.

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

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

(5) Child Care Trainer Qualifications. Child care professionals approved to teach the department's Child Care Training courses must meet, at a minimum, the following qualifications:

(a) Be at least 21 years of age.

(b) Have completed the department's six-clock-hour Train-the-Trainer course.

(c) Have one of the following educational and experiential credentials verified by the department or its designated representative:

1. Four year college degree or higher with six college credit hours in early childhood education/child growth and development and 480 hours experience in a child care setting serving children ages birth through eight years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting.

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

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

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

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

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

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

(6) Annual In-Service Training.

(a) Upon completion of Part I and Part II introductory training requirements, child care personnel must complete a minimum of 10-clock-hours or one CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

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

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



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

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, July 2012, Child Care In-Service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. CF-FSP Form 5268 may be obtained from the department website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03033>. A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the child care facility for review by the licensing authority.

(d) All child care personnel employed in the industry beyond 15 months, who change employment from one child care program to another during the fiscal year must complete the annual in-service training requirement.

(e) Child care personnel not in compliance with the annual in-service training requirement described in this section must complete the remaining in-service training requirement within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

#### (7) Staff Credentials.

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

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

2. To apply for a staff credential verification, a candidate must complete CF-FSP Form 5211, March 2009, Florida Child Care Staff Credential Verification Application, which is incorporated by reference, and may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). The candidate must meet one of the following five qualifications as cited on CF-FSP Form 5211:

- a. An active National Early Childhood Credential (NECC).
- b. Formal Educational Qualifications.
- c. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC); Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC).
- d. An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement. A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).
- e. Employment History Recognition Exemption. An Employment History Recognition Exemption shall not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.

(b) Calculation of Number of Personnel Necessary. The required number of credentialed staff for a facility shall be calculated as follows:

1. Child care facilities with 19 or fewer children or that operate less than eight hours per week are not subject to the staff credential requirement.

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

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

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

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

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

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

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

(d) Staff Credential Renewal.

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

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

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

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

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

1. Birth Through Five FCCPC Training Providers.

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

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

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

2. School-Age FCCPC Training Providers.

a. Training providers seeking to offer the School-Age FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5257, March 2009, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application, which is incorporated by reference. CF-FSP Form 5257 may be

obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Training providers must submit a completed CF-FSP Form 5257 to the department or designated representative for approval.

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

(8) Director Credential.

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

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

(b) The following exceptions to the Director Credential apply:

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

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

1. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:

- a. Three sites regardless of the number of children enrolled, or
- b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before-school and after-school program shall be calculated and viewed as separate programs.
- c. In counties where the public school district has included four year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve four year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraphs (7)(a) above in order to accommodate the four year-old children.

2. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:

- a. Be least 21 years of age;
- b. Have completed the approved 40 clock-hour Introductory Child Care Training approved by the department; and
- c. Have completed the department's Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight hours of in-service training in serving children with disabilities; or
- d. Have completed the department's School-Age Appropriate Practices specialized training module.

(d) Director Credential Renewal.

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

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

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

(e) Director Credential Training Providers.

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

2. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

- a. Child Care and Education Organizational Leadership and Management;
- b. Child Care and Education Financial and Legal Issues; and
- c. Child Care and Education Programming.

*Rulemaking Authority 402.305 FS. Law Implemented 402.305, FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-17-03, 9-12-04, 6-30-05, 4-12-07, 5-1-08, 1-13-10, 8-1-13.*

#### **65C-22.003 Training.**

*Rulemaking Authority 402.305 FS. Law Implemented 402.305, FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-17-03, 9-12-04, 6-30-05, 4-12-07, 5-1-08, 1-13-10, 8-1-13. Repealed (Insert Date)*

#### **65C-22.004 Health Related Requirements.**

##### (1) Communicable Disease Control.

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

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

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

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

The child must be carefully observed for worsening conditions.

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

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

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

(b) Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. CPR courses must include an on-site instructor-based skills assessment by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority. Documentation that identifies staff members who have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the child care facility.

(c) At least one first aid kit must be maintained on the premises of the child care facility at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid." The kits shall be accessible to the child care staff at all times and kept out of the reach of children. If the first aid kit is stored in the food preparation area it shall be stored in a manner to prevent contamination of food, food contact surfaces, or first aid supplies. Each kit must, at a minimum, include:

1. Soap, (to be used with water) and or hand sanitizer (for use when water may not be available),
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.

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit, and the facility's address, and directions to the facility, including major

intersections and local landmarks, must be posted on or near all facility telephones, and shall be used to protect the health, safety and well-being of any child in care.

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

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

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

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

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

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

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

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

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



(g) All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child's reach. If medication is stored in the food preparation area it must be stored in a manner to prevent contamination of food, food contact surfaces, or medication.

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

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 8-1-13.*

#### **65C-22.004 Health Related Requirements.**

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 8-1-13. Repealed (Insert date)*

#### **65C-22.005 Food and Nutrition.**

(1) Nutrition.

(a) If a facility provides food to children in care, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA MyPlate, June 2011, 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 MyPlate may be obtained from the USDA website at <http://www.choosemyplate.gov> or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03036>. Using the USDA MyPlate, breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups. Operators who participate in the USDA Food Program shall provide nutritious meals and snacks in accordance with the Department of Health and the USDA requirements.

(b) If a facility chooses to provide food to children in care, directly or by contract with an outside source such as a caterer, the food must be in sound condition, free from spoilage and contamination and safe for human consumption, and must be stored and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety.

1. Meat, poultry, fish, dairy products, and processed foods shall have been inspected under the United States Department of Agriculture requirements.
2. No raw milk or unpasteurized juice may be served without the written consent of the parent or legal guardian.
3. No home-canned food may be served.
4. No home-grown eggs may be served.
5. No recalled food products may be served.
6. All raw fruits and vegetables shall be washed thoroughly before being served or cooked.
7. To prevent food from becoming potentially hazardous, hot foods shall be maintained at a temperature of 135

degrees Fahrenheit or above, and cold foods shall be maintained at a temperature of 41 degrees Fahrenheit or below. The facility must supply adequate equipment to maintain temperature requirements.

8. Foods that comprise meals included on a facility's menu may not be prepared or partially prepared outside of the facility unless prepared by a caterer or a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

9. Food must be thoroughly cooked and or reheated according to the following table:

<b>Food</b>	<b>Minimum Internal Temperature</b>
Fruits, Vegetables, Grains, and Legumes	135 °F
Roasts ( Fresh Beef, Pork and Lamb)	145° F (with a 3 minute rest time)
Fish	145° F
Eggs	Cook until yolk and white are firm
Eggs dishes	160 °F
Ground meats (beef, pork, and lamb) and fresh ham (raw)	160° F
Poultry – whole, parts, or ground	165 °F
Leftovers	165 °F
Foods cooked in microwave	165 °F
Sauces, gravy, soups , casseroles	165 °F

(c) If a facility chooses to provide or make available food to children in care from an outside source such as a caterer, or as the result of a learning activity provided by a child care program, such as a garden, it is the responsibility of the provider to ensure all food intended for consumption by a child in care be in sound condition, free from spoilage, and contamination and safe for human consumption. The following documentation shall be maintained by the provider:

1. Food Acceptance Log. A log shall be maintained for all pre-prepared meals being transported into the facility. The log shall be retained for a minimum of four months. The log shall include the date, time of arrival, quantity and types of food, verification by recipient of condition of food, verification by recipient of adequate temperatures of food, and the name and signature of recipient.

2. Parents or legal guardians must be advised in advance of each food-related activity, such as special occasions and learning activities, which include food consumption. Written parental permission may be obtained in the form of a general or specific permission slip. Documentation of parent permission for food activities must be maintained for a minimum of four months from the date of each activity.

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

(e) 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 and followed. If the custodial parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained

in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(f) Meal and snack menus shall be planned, written, dated, and posted at the beginning of each week in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu. All meals and snacks prepared outside of the facility's kitchen or designated food preparation area, such as catered food, must be listed along with the source of the prepared food. Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements.

(2) Breastmilk, Infant Formula and Food.

(a) Breastmilk and formula must be handled in a sanitary manner at all times and according to manufacturer's instructions and instructions by parent. The provider must ensure all formulas and food brought from home are labeled with the child's first and last name. The provider is responsible for the label; therefore if the label is not completed by the parent, the facility staff must complete the label upon receipt of the formula and food. Breastmilk or infant formula provided for a specific infant by a parent or guardian shall not be fed to other children. Prepared bottles shall be placed immediately in the refrigerator and used within 48 hours.

1. In the event that the wrong breastmilk or infant formula is provided to an infant in care, the provider must immediately inform the child's parent or legal guardian of the incident as well as the parent or legal guardian of the infant that the formula/breast milk was intended. These events must be documented as an accident/incident referenced in subparagraph 65C-22.004(2)(d)3., F.A.C.

2. Due to extreme risk of choking, solid foods, including cereal, shall not be given in bottles or with infant feeders to children with normal eating abilities unless authorized by a physician. Solid foods must not be fed to an infant younger than 4 months of age unless directed by a physician. Solid foods must be of a safe consistency and must be developmentally appropriate for the age and developmental ability of the infant.

(b) Bottle warming. For optimum digestion, breastmilk and infant formula is to be served at body temperature.

1. Bottle warming devices and crock pots, including cords shall be kept inaccessible to children at all times; shall be maintained at the devices' lowest available temperature setting; and shall be secured in such a manner as to prevent them from tipping over, splashing, or spilling. Any bottle warming device that has a water reservoir must be emptied, washed, and refilled each day.

2. Bottled breast milk, infant bottles, and formula shall not be heated in a microwave oven.

3. Heated bottles or food must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

4. A bottle may be warmed only once; a warmed bottle may not be returned to the refrigerator or re-warmed. Facility staff must document each bottle warmed in preparation to feed an infant in such a manner to prevent multiple warmings. All breastmilk and infant formula remaining in bottles after feeding shall be discarded within one hour after serving an infant.

(c) Previously opened baby food jars shall not be accepted in the center. If food is fed directly from the jar by the caregiver, the jar shall be used for only one feeding and the remainder discarded.

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, 8-1-13.*

**65C-22.005 Food and Nutrition.**

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, 8-1-13. Repealed (Insert date)*

**65C-22.006 Record Keeping.**

(1) General Requirements.

(a) Records required to document compliance with Section 402.305, F.S., and rules adopted thereunder, shall be maintained at the facility, and shall be available during the hours of operation for review by the licensing authority.

(b) A copy of all background screening clearance documents for the director and owner must be provided to the department and will become part of the department's official licensing file.

(c) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(2) Children's Health Requirements.

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

(b) The Student Health Examination or the signed statement is valid for two years from the date the physical was performed. An up-to-date version must be on file for as long as the child is enrolled at the facility.

(c) The child care facility is responsible for obtaining for each child in care a current, complete and properly executed Florida Certification of Immunization form Part A-1, B, or C, DH 680 (July 2010) or the Religious Exemption from Immunization form, DH 681 (July 2008), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department. Immunizations received out-of-state are acceptable; however immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes" as promulgated by the Florida Department of Health.

(d) If the custodial parents or legal guardians fail to provide the documentation required in paragraph (a) or (c) above within 30 days of enrollment, the facility shall not allow the child to remain in the program.

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

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

(g) Medical records in this section are the property of the custodial parent or legal guardian and must be returned to them when the child withdraws from the facility. The medical records are transferable if the child attends another facility.

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

(a) Enrollment information shall be kept current and on file.

(b) The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians.

(c) There shall be signed statements from the custodial parents or legal guardian that the child care facility has provided them with the following information:

1. The department child care facility brochure, CF/PI 175-24, October 2007, Know Your Child Care Facility, which is incorporated by reference. This brochure may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Local licensing agencies may use an equivalent brochure approved by the department.

2. The child care facility's written disciplinary policy.

3. The child care facility's food and nutrition policies that includes language on food safety and food allergens.

4. Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the department developed a brochure, CF/PI 175-70, 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).

5. Prior to beginning volunteering in a child care facility, a CF-FSP 5217, July 2012, Volunteer Acknowledgment which is incorporated by reference, and may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03032>, must be completed and on file at the child care facility for the volunteer.

(4) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

(b) Position and date of employment.

(c) CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting Requirements, which is incorporated by

reference, must be signed annually by all child care personnel.

(d) Initial Screening. Screening information must be documented on CF-FSP Form 5131, July 2012, Background Screening and Personnel File Requirements, which is incorporated by reference and may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03030>. Screening includes the following:

1. Level 2 screening as defined in Section 435.04, F.S. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

2. An employment history check must include the previous two years, which shall include the applicant's job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file, and include date, time, and the reason the information was not obtained.

3. CF Form 1649A, July 2012, Child Care Affidavit of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel at time of initial screening or upon a change in employers. 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) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03027>.

(e) Re-Screening. A screening conducted under this rule is valid for five years, at which time a re-screen must be conducted in the same manner as the initial screening.

1. The five year re-screen is required for all child care personnel.

2. Re-screening information for all child care personnel must be documented on CF-FSP Form 5131 July 2012, Background Screening and Personnel File Requirements.

3. A copy of all background screening clearance documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate local licensing agency requirements.

4. Break In Employment. Child care personnel must be re-screened as outlined in paragraph (4)(d) above following a break in employment in the child care industry that exceeds 90 days.

5. Leave of Absence. If child care personnel take a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five year re-screen has come due during the leave of absence.

(f) Copies of training information and credentials as described in subsections 65C-22.003(4), (6) and (7) F.A.C., as applicable.

(g) Driver's license and driver physical examination documentation. A copy of the driver's license and the physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

(5) Summary of Records. In addition to the documentation outlined in subsections (1)-(4) above, the following is a list of records that shall be maintained at the facility, and that shall be available during the hours of operation for review by the licensing authority:

- (a) Driver's log must be retained for a minimum of four months as referenced in subparagraph 65C-22.001(6)(f)1., F.A.C.
- (b) Documentation of parental permission for field trips and food activities/special occasions must be retained for a minimum of four months as referenced in paragraphs 65C-22.001(7)(c) and 65C-22.005(1)(c)2, F.A.C.
- (c) Facility's written disciplinary policies as referenced in paragraph 65C-22.001(8)(c), F.A.C.
- (d) Daily attendance of children records must be maintained for a minimum of four months as referenced in subsection 65C-22.001(10), F.A.C.
- (e) Written record of fire drills must be maintained for a minimum of one year as referenced in paragraph 65C-22.002(7)(f), F.A.C.
- (f) Documentation of staff members that have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement as referenced in paragraph 65C-22.004(2)(b), F.A.C.
- (g) Posted emergency telephone numbers, the facility address, and directions to the facility as referenced in subparagraph 65C-22.004(2)(d)1., F.A.C.
- (h) Documentation of accidents/incidents must be maintained for one year as referenced in subparagraph 65C-22.004(2)(d)3., F.A.C.
- (i) Emergency evacuation plan and emergency preparedness plan as referenced in subparagraphs 65C-22.002(7)(h)-(k), F.A.C. Written records of emergency preparedness plan drills must be maintained for one year from each drill.
- (j) Record for each child receiving medication. must be maintained for a minimum of four months after the last day the child received the dosage as referenced in paragraph 65C-22.004(3)(f), F.A.C.
- (k) Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(e), F.A.C.
- (l) Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(e), F.A.C.
- (m) Daily meal and snack menus, including meal substitutions must be maintained for four months as referenced in paragraph 65C-22.005(1)(f), F.A.C.
- (n) Food Acceptance Log must be retained for a minimum of four months as referenced in paragraph 65C-22.005(1)(c)1., F.A.C.
- (o) Copy of license or permit for caterers, as referenced in rule 65C-22.0011(1), F.A.C., if applicable.

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 8-1-13.*

**65C-22.006 Record Keeping.**

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 8-1-13. Repealed (Insert)*

**65C-22.007 Evening Child Care.**

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(7), F.S., means child care provided during evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. During evening child care hours, staff must remain awake at all times. While children are awake, direct supervision as described in paragraph 65C-22.001(5)(a), F.A.C., must be provided. When children are sleeping, supervision, as defined in paragraph 65C-22.001(5)(b), F.A.C., is required.

(3) Exemptions. Child care standards, as outlined in Sections 402.301 through 402.305, F.S., and Rules 65C-22.001 through 65C-22.006, F.A.C., apply to Evening Child Care with the following exceptions:

(a) Outdoor Play Area. For facilities that provide only evening child care, outdoor play space is not required. An open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

(b) Credentialed staff, pursuant to Section 402.305(3), F.S., are not required for Evening Child Care.

(c) Director credentialed staff are not required for Evening Child Care.

*Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 7-2-98, Amended 9-12-04, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, 8-1-13.*

**65C-22.009 Gold Seal Quality Care Program.**

(1) Definitions.

(a) “Class I Violation” has the same meaning as provided for the same term in paragraph 65C-22.010(1)(d), F.A.C.

(b) “Class II Violation” has the same meaning as provided for the same term in paragraph 65C-22.010(1)(d), F.A.C.

(c) “Class III Violation” has the same meaning as provided for the same term in paragraph 65C-22.010(1)(d), F.A.C.

(d) Gold Seal Quality Care Provider means a child care program, regulated by the department or local licensing authority, that meets the accreditation compliance requirements in Section 402.281(1), F.S.

(e) “Gold Seal Quality Care Accrediting Association” means an accrediting association that has applied to and been approved by the Department as an accrediting association for the purpose of Gold Seal Designation pursuant to Section 402.281(3), F.S.

(f) “Regulated by the Department” means a child care facility that has been licensed by the Department or a child care facility that is exempt from licensure pursuant to Sections 402.3025 or 402.316, F.S., that has agreed to periodic inspection by the Department as part of the application process.

(2) Gold Seal Quality Care Provider Requirements.

(a) Gold Seal Quality Care Provider Designation.

A child care program regulated by the Department seeking designation as a Gold Seal Quality Care provider shall apply to the Department on form CF-FSP Form 5386, Gold Seal Quality Care Provider Application, April 2015, which



is hereby incorporated by reference, and provide all supporting documentation required by the form. This form may be obtained from the Department's website at [www.myflfamilies.com/childcare](http://www.myflfamilies.com/childcare) or ~~www.myflorida.com/childcare~~ or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-05542>. Once reviewed and approved by the Department, the designation will be issued in the name of the provider. The designation will be effective the date approved by the Department through the duration of the provider's accreditation certification, up to a maximum of five years, unless terminated by the Department or voluntarily surrendered by the provider, or if accreditation is revoked by the accrediting association.

(b) In order to obtain and maintain Gold Seal designation, the applicant must:

1. Be accredited by an approved Gold Seal Quality Care Accrediting Association. The name on the accrediting association certificate required by form CF-FSP Form 5386, must be the same as on the provider's license. A list of approved accrediting associations may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

2. Meet the criteria of Section 402.281(4), F.S.

(c) To renew a Gold Seal Quality Care designation, the provider must submit CF-FSP Form 5386 at least 30 days prior to expiration of the current designation. The Department cannot guarantee late-filed renewal forms will be processed in time to avoid a lapse in the designation.

(3) Gold Seal Quality Care Enforcement.

(a) Gold Seal Quality Care providers must maintain accreditation and continuously meet the standards established by their Gold Seal Quality Care Accrediting Association in order to retain their designation. A provider's Gold Seal designation will be terminated upon expiration of its accreditation, or when its accreditation is surrendered or lost. The Gold Seal designation termination will be effective on the expiration date or on the date the accrediting association no longer acknowledges the provider's accreditation.

(b) A provider's Gold Seal designation will be terminated if the Department or local licensing agency determines the provider has committed a disqualifying minimum standards violation as defined in Section 402.281(4), F.S. The termination will be effective as of the date of final agency action on the termination.

(c) The Department will notify providers accredited by a Gold Seal accrediting association that has lost its status as an approved accrediting entity and will afford such providers 180 days from the date of notification to obtain a new accreditation certificate from an approved Gold Seal Quality Care Accrediting Association. The Department will thereafter terminate the Gold Seal designation of any provider that is not accredited by an approved accrediting association at the conclusion of the 180-day period.

(4) Gold Seal Quality Care Accrediting Association Requirements.

(a) An accrediting association seeking recognition as a Gold Seal Quality Care Accrediting Association must:

1. Have been active and accrediting child care programs in Florida for a period of five years prior to submission of an application to the Department.

2. Hold an active corporation registration with the Florida Department of State to do business in Florida.

3. Submit and meet all requirements outlined on the CF-FSP Form 5315, Gold Seal Quality Care Accrediting Application, April 2015, which is incorporated by reference. CF-FSP Form 5315 may be obtained from the

department's website at ~~www.myflfamilies.com/childcare~~~~www.myflorida.com/childcare~~ or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-05541>.

4. Submit a crosswalk of the Accrediting Association's standards with the Department's Gold Seal Quality Standards.

(b) Applications will be accepted only in January and July each year. An accrediting association whose application is denied cannot reapply until at least six months from the date of the denial.

(c) An application and all supporting documentation submitted by an accrediting association for approval as a Gold Seal Quality Care Accrediting Association will be reviewed in consultation with entities described in Section 402.281(3), F.S. Applicants must obtain an overall compliance percentage of 85% or higher of the standards outlined on form CF-FSP 5389, Gold Seal Quality Care Accrediting Association Evaluation Manual for Child Care Facilities, April 2015. This form is incorporated by reference and a copy may be obtained from the Department's website ~~www.myflfamilies.com/childcare~~~~www.myflorida.com/childcare~~ or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-05514>. The Department will evaluate applications in the manner described in the Gold Seal Quality Care Program Review Process and Procedures, April 2015 document, which is incorporated by reference and may be obtained from the Department's website at ~~www.myflfamilies.com/childcare~~~~www.myflorida.com/childcare~~ or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-05545>.

(d) The Department's Gold Seal Quality Care Standards are established in CF-FSP Form 5387, Gold Seal Quality Care Standards for Child Care Programs, April 2015. This form includes the United States Department of Agriculture's Food Program (USDA's CACFP) guidelines, N-050-06 Child Care Food Program Meal Pattern for Children, August 2013 and Adult Care Food Program Adult Meal Pattern, November 20, 2012. This form and the USDA's CACFP guidelines are incorporated by reference and may be obtained from the Department's website at ~~myflfamilies.com/childcare~~~~www.myflorida.com/childcare~~ or from the following links <http://www.flrules.org/Gateway/reference.asp?No=Ref-05513>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05543>, and <http://www.flrules.org/Gateway/reference.asp?No=Ref-05544>.

(e) A Gold Seal Quality Care Accrediting Association approval is valid only for the entity to which it is issued for a maximum of five years, unless terminated by the Department or voluntarily surrendered during the approved period.

(f) A Gold Seal Quality Care Accrediting Association must annually submit the Attestation on page 5 of the Gold Seal Quality Care Accrediting Association Application, CF-FSP 5315. If changes have occurred, the appropriate supporting documentation of the change must accompany the Attestation.

(g) The following acts or omissions are grounds for revocation of an accrediting association's approval.

1. Failure to notify the Department of a change in the association's administration, corporate structure or any condition under which the accreditation association was initially approved by the Department.

2. Any changes resulting in the Association's inability to meet the criteria provided in Section 402.281, F.S.

(h) A Gold Seal Accrediting Association must notify the Department, in writing, within fifteen days of a revocation or expiration of the accreditation of a child care provider in Florida. The notification must include a copy of the revocation or expiration letter issued to the provider, stating the specific reasons for revocation or expiration. Failure to provide the Department such written notification will be grounds for terminating the association's approval as a Gold Seal Accrediting Association, and the association will be precluded from reapplying for approval for a period of two years.

(i) Gold Seal Quality Care Associations must apply to renew approval by submitting CF-FSP Form 5315 a minimum of six months prior to end of the five-year approval period. A current Gold Seal accrediting association whose approval expires prior to July 1, 2015, and which timely applies for renewal, will not be required to complete the standards crosswalk described in subparagraph (4)(a)4., above, or otherwise demonstrate its accreditation standards meet or exceed the Department's Gold Seal standards in order to have its approval renewed.

(j) An accrediting association approved under this rule must notify the Department and all of its accredited providers in writing 6 months in advance of any intent to surrender its approval or to allow it to expire. An approved accrediting association which fails to comply with this requirement will be precluded from re-applying for approval for a period of five years from the lapse of the existing approval.

(k) The Department will not recognize Gold Seal accreditations issued by an entity that has not been approved as a Gold Seal Quality Care Accrediting Association.

(l) An Accrediting Association approved by the Department as a Gold Seal Quality Care Accrediting Association may not contract with or otherwise authorize any other entity or parties, including affiliated groups and membership groups or subgroups, to issue accreditations to Florida child care providers for the purposes of Gold Seal designation. *Rulemaking Authority 402.281 FS. Law Implemented 402.281 FS. History—New 5-1-08, Amended 1-13-10, 8-1-13, 7-7-15.*

**65C-22.010 Enforcement.** This rule establishes the grounds under which the Department may issue an administrative fine, deny, suspend, revoke a license or registration or place a licensee or registrant on probation status as well as uniform system of procedures to impose disciplinary sanctions.

(1) Definitions.

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

(b) "Probation" is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations of licensing standards. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the facility must operate during the probationary period

(c) "Standards" are requirements for the operation of a licensed facility provided in statute or in rule.

(d) "Technical Assistance" means a department offer of assistance to a licensee or registrant to correct the statutory or regulatory violations.

(e) ~~“Violation” means a finding of noncompliance with by the department or local licensing authority of a licensing standard as described in an inspection report resulting from an inspection under section 402.311, Florida Statutes, as follows with regard to Class I, Class II, and Class III Violations.~~

1. ~~“Class I Violation” is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5316, August 2017, July 2012.~~ Child Care Facility Standards Classification Summary, which is incorporated by reference. A copy of the CF-FSP Form 5316 may be obtained from the ~~D~~department’s website at [www.myflfamilies.com/childcare](http://www.myflfamilies.com/childcare) [www.myflorida.com/childcare](http://www.myflorida.com/childcare) or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03034>. ~~However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.~~ Class I violations are the most serious in nature, ~~pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well being of a child.~~

2. ~~“Class II Violation” is the second or subsequent incident of noncompliance with an individual Class II standard as described on CF-FSP Form 5316. Class II violations are less serious in nature than Class I violations, and could be anticipated to pose a threat to the health, safety or well being of a child, although the threat is not imminent.~~

3. ~~“Class III Violation” is the third or subsequent incident of noncompliance with an individual Class III standard as described on CF-FSP Form 5316. Class III violations are less serious in nature than either Class I or Class II violations, and pose a low potential for harm to children.~~

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

(2) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions for all Class I violations and for repeated Class II and Class III violations shall be applied progressively for each standard violation. The document entitled, Reconciliation of 2012 and 2017 Child Care Facility Classification Summaries, CF-FSP Form XXXX, August 2017, which is incorporated into this rule, provides an alignment of the 2012 and 2017 Child Care Facility Classification Summaries for purposes of progressive enforcement. In addition, providers will be offered technical assistance in conjunction with ~~all violations~~any disciplinary sanction. The classification of standard violations within the Child Care Facility Standards Classification Summary and the progressive disciplinary actions prescribed for each class by this rule are based on the provisions of section 402.310(1)(b), FS. ~~The Ddepartment shall take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.~~

(b) A grace period is provided, wherein a violation of a standard that has occurred more than two years prior to a subsequent violation of the same standard will not be counted for purposes of progressive discipline. However, for the purposes of continued licensure or registration, the programs violation history will be considered. A violation that has been withdrawn by the Department or has been dismissed as the result of an administrative proceeding held pursuant to Chapter 120, Florida Statutes, contesting an administrative complaint will not be counted for purposes of progressive discipline. A violation that is only reflected in an inspection report does not relieve the Department of

its burden to prove that violation for purposes of progressive discipline upon the alleged occurrence of a subsequent violation.

~~(db) Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within the Child Care Facility Standards Classification Summary, CF-FSP Form 5316.~~

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

~~(cd) Failure to submit a completed CF-FSP Form 5017, Application for a License to Operate a Child Care Facility, which is incorporated by reference in paragraph 65C-22.001(1)(a), F.A.C. for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The Department shall impose 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.~~

~~(d) 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., impose 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 impose 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 impose issue an administrative ~~complaint imposing~~ a fine of \$50 for each such violation. ~~This violation, and subsequent violations, of the same standard within a two year period will be classified as "Class II."~~

be. For the third violation of the same Class II standard, the Department shall impose issue an administrative ~~complaint imposing~~ a fine of \$60 per day for each such violation.

cd. For the fourth violation of the same Class II standard, the Department shall place 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 impose issue an administrative complaint imposing an additional~~ fine of \$75 per day for each such violation.

de. 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 impose issue an administrative complaint imposing an additional~~ fine of \$100 per day for each such violation. However, for a fifth

violation of a Children's Health and/or Immunization standard, the Department will not place the provider's license on probation status.

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."~~

e. ~~For the third violation of the same Class III standard, the Ddepartment shall impose ~~issue~~ an administrative complaint imposing a fine of \$25 for each such violation. This violation and subsequent violations of the same standard within a two year period will be classified as "Class III."~~

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

c~~e~~. For the fifth violation of the same Class III standard, the Ddepartment shall place ~~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 impose ~~issue~~ an administrative complaint imposing a fine of \$40 per day for each such violation. However, for the fifth violation of a Children's Health and Immunization standard, the Department will not place the provider's license on probation status.

d~~f~~. For the sixth and subsequent violation of a ~~the same~~ Class III standard, the Ddepartment shall ~~issue an administrative complaint to~~ suspend, deny, or revoke the license, and the Ddepartment shall also impose ~~issue~~ an administrative complaint imposing a fine of \$50 per day for each such violation. However, for the sixth and subsequent violation of the same Class III Children's Health and Immunization standard, the Department will place the provider's license or registration on probation status for a period not to exceed six months in lieu of suspending, denying, or revoking the license or registration.

(3) When the Department has reasonable cause to believe that grounds exist for the denial, suspension, or revocation of a license or registration, the conversion of a license or registration to probation status, or the imposition of an administrative fine, it shall determine the matter in accordance with procedures prescribed in Chapter 120, F.S. Imposition of an administrative fine shall be accomplished through an administrative complaint. Denial of a license or registration or conversion to probationary status pursuant to section 402.310, Florida Statutes, may be accomplished through an administrative complaint or a notice of intent to deny a pending renewal application.

~~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."~~

~~e. 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.~~

*Rulemaking Authority 402.305,402.310 FS. Law Implemented 402.305, 402.310 FS. History–New 5-1-08, Amended 1-13-10, 8-1-13. [New Date]*