

CHAPTER 65C-22
CHILD CARE STANDARDS

65C-22.001	General Requirements
65C-22.008	School Age Child Care
65C-22.009	Gold Seal Quality Care Program
65C-22.010	Enforcement

65C-22.001 General Requirements.

(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, ~~XXX~~ ~~October 2017~~, 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 or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX 08728>.

(b) through (d) No change.

(2) No change.

(3) License.

(a) A child care facility license is issued in the name of the owner. The owner may be an individual, partnership, limited liability company (LLC), corporation, or other business or ownership entity recognized by the State of Florida ~~association, or corporation~~. The license is non-transferable between owners and locations.

(b) through (d) No change.

(4) Change of ownership.

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

1. through 2. No change.

3. Distribute individual letters or flyers.

(b) No change.

(c) A change of ownership cannot be to a new corporation with some or all of the same corporate members.

(5) Supervision.

(a) Children that are delivered to a location offsite from the facility by someone other than the parent or guardian become the responsibility of the child care program at that designated location and time as agreed upon by the provider and the parent/guardian. 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 contact the facility to notify them to contact the child's parent or legal guardian to verify the whereabouts of the child.

(b) No change.

(6) Child Care Standards. Child care programs must follow the standards found in the "Child Care Facility Handbook," ~~XXX~~ ~~October 2017~~, incorporated herein by reference. The handbook may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08747.

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

(a) CF-FSP Form 1649A, May 2018 ~~October 2017~~, Child Care Attestation of Good Moral Character. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08727.

(b) No change.

(c) CF-FSP Form 5191, May 2018 ~~October 2017~~, Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08730.

(d) CF-FSP Form 5211, May 2018 ~~October 2017~~, Staff Credential Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08734.

(e) No change.

(f) CF-FSP Form 5219, May 2018 ~~October 2017~~, Child Care Application for Enrollment. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08733.

(g) No change.

(h) CF-FSP Form 5257, May 2018 ~~October 2017~~, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08735.

(i) through (j) No change.

(k) CF-FSP Form 5290, May 2018 ~~October 2017~~, Florida Child Care Director Credential and Renewal Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> 08738.

(l) through (q) No change.

(r) CF-FSP 5429 N-050-06, Child Care Food Program Meal Pattern for Children (CCFP), October 2017 ~~September 30, 2019~~.

Copies may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX 05510>.

(s) CF-FSP 5428 N-051-04, Child Care Food Program Meal Pattern for Infants, October 2017 ~~September 2016~~. Copies may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX 08742>.

(t) through (w) No change.

(x) CF/PI 175-12, May 2018, Distracted Adult. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>.

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

65C-22.008 School Age Child Care.

(1) Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5272, May 2018 ~~March 2017~~, Application for a License to Operate a School-Age Child Care Facility, which is incorporated by reference. CF-FSP Form 5272 may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX 08022>.

(2) No change.

(3) Exemptions: A school-age child care program is not required to be licensed as long as the program complies with the minimum background screening requirements provided in Sections 402.305 and 402.3055, F.S., and if the program demonstrates that conditions of one of the following criteria outlined in paragraphs (a)-(e), below, are met. A school-age program exempted under paragraph (3)(a), (c) or (d), below, may become licensed if it chooses to meet all of the applicable licensing standards in subsection (5)(4), below.

(a) No change.

(b) Instruction/Tutorial Programs. The program is not designated as a Gold Seal Quality Care provider and has a single instructional/tutorial purpose and that purpose is the only service that the program provides. Some examples of these programs include, but are not limited to, tutoring; a computer class; a ballet class; a karate class; baseball instruction or other sport; the program cannot provide any service beyond the instructional and tutorial/academic activity; and:

1. through 4. No change.

5. Does not provide transportation.

(c) Open Access Programs. The program is not designated as a Gold Seal Quality Care provider and meets all of the following criteria:

1. through 3. No change.

4. Does not provide transportation, ~~directly or through a contract or agreement with an outside entity, during the hours of operation for the purposes of field trips; and,~~

5. Does not serve or prepare any meals or snacks other than, ~~except those provided through the USDA Afterschool Meal Program (AMP) administered by the Florida Department of Health, pursuant to Section 402.305(1)(c), F.S. Programs not participating in the AMP may choose to provide~~ drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.

6. No change.

(d) Any program that is not designated as a Gold Seal Quality Care provider and is providing care for school aged children that is operated by, or in affiliation with a national membership non-profit or not for profit organization that certifies membership organizations, as of February 1, 2017, in at least ten states, that was created for the purpose of providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, that charges a membership fee for children and may receive grant funding for services. Such is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements for all of its before school, after school or out-of-school time programs. The program must notify the Department prior to operating and annually, thereafter, of any operation of before school, after school or out-of-school time programs, provide verification of certification and good standing by its national association for all of its before school, after school or out of school time programs, and complete an annual **affidavit attestation** for compliance with background screening requirements. **The Affidavit of Compliance, CF-FSP 5218, March 2007, is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>.** Failure by a program to comply with such reporting, providing required verifications, and screening requirements shall result in the loss of the program's exemption from licensure.

(e) No change.

(4) School-age exempt providers shall submit, prior to operating and upon request of the Department, an Affidavit of Compliance with background screening requirements, and providers must attest that the program continues to operate in the manner

as presented to the Department for the exemption determination. Prior to any changes in operation, the program shall submit a written notification to the Department outlining the proposed changes for a redetermination. Failure by a program to comply with such reporting, providing required verifications, and screening requirements shall result in the loss of the program's exemption from licensure.

(5)(4) School-Age Child Care Standards. School age child care programs must follow the standards found in the School-Age Child Care Licensing Handbook, ~~XXX~~ March 2017, incorporated herein by reference. The handbook may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX 08023>.

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

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

(a) CF-FSP Form 5270, March 2017, Florida Child Care Professional Credential Certificate. A copy may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 08054>.

(b) N-050-06 Child Care Food Program Meal Pattern for Children (CCFP), September 30, 2019. Copies may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 08004>.

(c) USDA MyPlate, August 2011. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 03036>.

(d) Center for Disease Control Guidelines, January 2013. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 03037>.

(e) CF-FSP Form 5268, March 2017, Child Care In-Service Training Record. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 08007>.

(f) CF-FSP 5337, March 2017, Child Abuse & Neglect Reporting Requirements. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 08010>.

(g) CF-FSP 5217, March 2017, Volunteer Acknowledgement. A copy may be obtained at the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 08013>.

(h) CF Form 1649A, March 2017, Child Care Affidavit of Good Moral Character. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref 08015>.

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

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

~~(j) CF/PI 175-70, June 2009, Influenza Virus, Guide to Parents. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08018>.~~

~~(k) CF FSP 5219, March 2017, Child Care Application for Enrollment. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08019>.~~

~~(l) CF FSP Form 5131, March 2017, Background Screening and Personnel File Requirements. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08020>.~~

~~(m) CF FSP Form 5290, March 2017, Florida Child Care Director Credential and Renewal Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08055>.~~

~~(n) CF FSP Form 5252, March 2017, Florida Director Certificate. A copy may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08053>.~~

Rulemaking Authority 402.305 FS. Law implemented 402.305 FS. History-New 9-12-04, Amended 4-12-07, 5-1-08, 1-13-10, 8-1-13, 3-30-17 Amended

65C-22.009 Gold Seal Quality Care Program.

(1) Definitions.

(a) through (c) No change.

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

(e) through (f) No change.

(2) Gold Seal Quality Care Provider Requirements.

(a) Gold Seal Quality Care Provider Designation.

A child care facility 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, May 2018 ~~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 or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX-05542>. Once reviewed and approved by the Department, the designation will be issued in the legal 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) A child care facility must submit to the Department copies of any inspection reports conducted by the Department of Defense within 15 business days from the date of the inspection. The Department will review the inspection to determine compliance with criteria for the issuance of and to maintain an active Gold Seal Quality Care Provider Designation.

~~(c)~~ 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 and address 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.myflfamilies.com/childcare.

2. No change.

(c) is relettered (d) No change.

(3) No change.

(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 ~~facilities programs~~ in Florida for a period of five years prior to submission of an application to the Department.

2. No change.

3. Submit and meet all requirements outlined on the CF-FSP Form 5315, Gold Seal Quality Care Accrediting Application, May 2018 ~~April 2015~~, which is incorporated by reference. CF-FSP Form 5315 may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX 05541>.

4. No change.

(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) No change.

(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 www.myflfamilies.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) through (l) No change.

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, 10-25-17 Amended

65C-22.010 Enforcement.

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

(1) Definitions.

(a) through (d) No change.

(e) "Violation" means noncompliance with a licensing standard as described in an inspection report resulting from an inspection under Section 402.311, F.S., as follows with regard to Class I, Class II, and Class III Violations.

1. "Class I Violation" is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5316, May 2018 October 2017, Child Care Facility Standards Classification Summary and CF-FSP Form 5427, May 2018, School-Age Child Care Facility Classification Summary, which ~~are~~ is incorporated by reference. Copies ~~A copy~~ of the CF-FSP Form 5316 and CF-FSP Form 5427 may be obtained from the Department's website at www.myflfamilies.com/childcare or from the following links ~~link~~: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX-08739> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>. However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation. The effective date of a termination of a provider's Gold Seal Quality Care designation is the date of the Department's written notification to the provider. However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation. Class I violations are the most serious in nature.

2. through 3. No change.

(2) through (3) No change.

Rulemaking Authority 402.305, 402.310 FS. Law Implemented 402.305, 402.310 FS. History—New 5-1-08, Amended 1-13-10, 8-1-13, 10-25-17 Amended