

Florida Statutes and Administrative Rules Related to the Voluntary Prekindergarten (VPK) Education Program



Florida Department of Education



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Florida Department of Education
Office of Early Learning

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Department of Education



Florida Statutes – Title 48 – Chapter 1002 – Part V

Chapter 1002 – Student and parental rights and educational choices Part V – Voluntary Prekindergarten Education Program

1002.51 Definitions – As used in this part, the term:

- (1) “Department” means the Department of Education.
- (2) “Early learning coalition” or “coalition” means an early learning coalition created under s. 411.01.
- (3) “Prekindergarten director” means an onsite person ultimately responsible for the overall operation of a private prekindergarten provider or, alternatively, of the provider’s prekindergarten program, regardless of whether the person is the owner of the provider.
- (4) “Prekindergarten instructor” means a teacher or child care personnel as defined in s. 402.302 who provide instruction to students in the Voluntary Prekindergarten Education Program.
- (5) “Private prekindergarten provider” means a provider other than a public school which is eligible to deliver the school-year prekindergarten program under s. 1002.55 or the summer prekindergarten program under s. 1002.61.

History – s. 1, ch. 2004-484.

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment. –

- (1) There is created the Voluntary Prekindergarten Education Program. The program shall take effect in each county at the beginning of the 2005-2006 school year and shall be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.
- (2) Each child who resides in this state who will have attained the age of 4 years on or before September 1 of the school year is eligible for the Voluntary Prekindergarten Education Program during that school year. The child remains eligible until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. or until the child is admitted to kindergarten, whichever occurs first.
- (3) The parent of each child eligible under subsection (2) may enroll the child in one of the following programs:
 - (a) A school-year prekindergarten program delivered by a public school or private prekindergarten provider under s. 1002.55;
 - (b) A summer prekindergarten program delivered by a public school or private prekindergarten provider under s. 1002.61; or

- (c) A school-year prekindergarten program delivered by a public school, if offered by a school district that is eligible under s. 1002.63. Except as provided in s. 1002.71(4), a child may not enroll in more than one of these programs.
- (4)
- (a) Each parent enrolling a child in the Voluntary Prekindergarten Education Program must complete and submit an application to the early learning coalition through the single point of entry established under s. 411.01.
 - (b) The application must be submitted on forms prescribed by the Agency for Workforce Innovation and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The Agency for Workforce Innovation may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.
 - (c) Each early learning coalition shall coordinate with each of the school districts within the coalition's county or multicounty region in the development of procedures for enrolling children in prekindergarten programs delivered by public schools.
- (5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the coalition's county or multicounty region. The profiles must include, at a minimum, the following information about each provider and school:
- (a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and
 - (b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.
- (6)
- (a) A parent may enroll his or her child with any private prekindergarten provider that is eligible to deliver the Voluntary Prekindergarten Education Program under this part; however, the provider may determine whether to admit any child. An early learning coalition may not limit the number of students admitted by any private prekindergarten provider for enrollment in the program. However, this paragraph does not authorize an early learning coalition to allow a provider to exceed any staff-to-children ratio, square footage per child, or other requirement imposed under ss. 402.301-402.319 as a result of admissions in the prekindergarten program.

- (b) A parent may enroll his or her child with any public school within the school district which is eligible to deliver the Voluntary Prekindergarten Education Program under this part, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in a summer prekindergarten program delivered by a public school under s. 1002.61.
- (c) Each private prekindergarten provider and public school must comply with the antidiscrimination requirements of 42 U.S.C. s. 2000d, regardless of whether the provider or school receives federal financial assistance. A private prekindergarten provider or public school may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the Voluntary Prekindergarten Education Program, in violation of these antidiscrimination requirements.

History – s. 1, ch. 2004-484.

1002.55 School-year prekindergarten program delivered by private prekindergarten providers. –

- (1) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(a) in a school-year prekindergarten program delivered by a private prekindergarten provider.
- (2) Each school-year prekindergarten program delivered by a private prekindergarten provider must comprise at least 540 instructional hours.
- (3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:
 - (a) The private prekindergarten provider must be a child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), or faith-based child care provider exempt from licensure under s. 402.316.
 - (b) The private prekindergarten provider must: 1.Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools; 2.Hold a current Gold Seal Quality Care designation under s. 402.281; or 3.Be licensed under s. 402.305, s. 402.313, or s. 402.3131 and demonstrate, before

delivering the Voluntary Prekindergarten Education Program, as verified by the early learning coalition, that the provider meets each of the requirements of the program under this part, including, but not limited to, the requirements for credentials and background screenings of prekindergarten instructors under paragraphs (c) and (d), minimum and maximum class sizes under paragraph (e), prekindergarten director credentials under paragraph (f), and a developmentally appropriate curriculum under s. 1002.67(2)(b).

- (c) The private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who meets each of the following requirements: 1.The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition;
 - or b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a. The Department of Children and Family Services may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.2.The prekindergarten instructor must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a prekindergarten instructor who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the establishment of one or more emergent literacy training courses under s. 1002.59 or April 1, 2005, whichever occurs later.
- (d) Each prekindergarten instructor employed by the private prekindergarten provider must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked.
- (e) Each of the private prekindergarten provider's prekindergarten classes must be composed of at least 4 students but may not exceed 18 students. In order to protect the health and safety of students, each private prekindergarten provider must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 11 or more students, must have, in addition to a prekindergarten instructor who meets the requirements of paragraph (c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of paragraph (d). This paragraph does

- not supersede any requirement imposed on a provider under ss. 402.301-402.319.
- (f) Before the beginning of the 2006-2007 school year, the private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(f) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.
 - (g) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation.
 - (h) The private prekindergarten provider must deliver the Voluntary Prekindergarten Education Program in accordance with this part.
- (4) A prekindergarten instructor, in lieu of the minimum credentials and courses required under paragraph (3)(c), may hold one of the following educational credentials:
- (a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
 - (b) A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked;
 - (c) An associate's or higher degree in child development;
 - (d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age; or
 - (e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for approving equivalent educational credentials under this paragraph.

History s. 1, ch. 2004-84.

1002.57 Prekindergarten director credential. –

- (1) By July 1, 2006, the department shall adopt minimum standards for a credential for prekindergarten directors of private prekindergarten providers delivering the Voluntary Prekindergarten Education Program.

The credential must encompass requirements for education and onsite experience.

- (2) The educational requirements must include training in the following:
 - (a) Professionally accepted standards for prekindergarten programs, early learning, and strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining the performance standards adopted by the department under s. 1002.67;
 - (b) Strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program; and
 - (c) Program administration and operations, including management, organizational leadership, and financial and legal issues.
- (3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Family Services for the child care facility director credential under s. 402.305(2)(f), and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.
- (4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. 402.305(2)(f) for those requirements of the prekindergarten director credential which are duplicative of requirements for the child care facility director credential.

History s. 1, ch. 2004-484.

1002.59 Emergent literacy training courses. – By April 1, 2005, the department shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5).

History s. 1, ch. 2004-484.

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers. –

- (1)
 - (a) Each school district shall administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under

- s. 1002.53(3)(b) in a summer prekindergarten program delivered by a public school.
 - (b) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a private prekindergarten provider.
- (2) Each summer prekindergarten program delivered by a public school or private prekindergarten provider must:
- (a) Comprise at least 300 instructional hours;
 - (b) Not begin earlier than May 1 of the school year; and
 - (c) Not deliver the program for a child earlier than the summer immediately before the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.
- (3)
- (a) Each district school board shall determine which public schools in the school district are eligible to deliver the summer prekindergarten program. The school district shall use educational facilities available in the public schools during the summer term for the summer prekindergarten program.
 - (b) Except as provided in this section, to be eligible to deliver the summer prekindergarten program, a private prekindergarten provider must meet each requirement in s. 1002.55.
- (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(5), each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who:
- (a) Is a certified teacher; or
 - (b) Holds one of the educational credentials specified in s. 1002.55(4)(a) or (b). As used in this subsection, the term “certified teacher” means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.
- (5) Each prekindergarten instructor employed by a public school or private prekindergarten provider delivering the summer prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede

employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.

- (6) Notwithstanding ss. 1002.55(3)(e) and 1002.63(7), each prekindergarten class in the summer prekindergarten program, regardless of whether the class is a public school's or private prekindergarten provider's class, must be composed of at least 4 students but may not exceed 10 students. In order to protect the health and safety of students, each public school or private prekindergarten provider must also provide appropriate adult supervision for students at all times. This subsection does not supersede any requirement imposed on a provider under ss. 402.301-402.319.
- (7) Each public school delivering the summer prekindergarten program must also:
 - (a) Register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation; and
 - (b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

History s. 1, ch. 2004-484.

1002.63 School-year prekindergarten program delivered by public schools.

—

- (1) Each school district eligible under subsection (4) may administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(c) in a school-year prekindergarten program delivered by a public school.
- (2) Each school-year prekindergarten program delivered by a public school must comprise at least 540 instructional hours.
- (3) The district school board of each school district eligible under subsection (4) shall determine which public schools in the district are eligible to deliver the prekindergarten program during the school year.
- (4) To be eligible to deliver the prekindergarten program during the school year, each school district must meet both of the following requirements:
 - (a) The district school board must certify to the State Board of Education that the school district: 1.Has reduced the average class size in each classroom in accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX of the State Constitution; and 2.Has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in each classroom in the district's elementary schools for each year in accordance with the schedule for class size reduction and to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the beginning of the 2010-2011 school year.
 - (b) The Commissioner of Education must certify to the State Board of Education that the department has reviewed the school district's

educational facilities, capital outlay funds, and projected student enrollment and concurs with the district school board's certification under paragraph (a).

- (5) Each public school must have, for each prekindergarten class, at least one prekindergarten instructor who meets each requirement in s. 1002.55(3)(c) for a prekindergarten instructor of a private prekindergarten provider.
- (6) Each prekindergarten instructor employed by a public school delivering the school-year prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.
- (7) Each prekindergarten class in a public school delivering the school-year prekindergarten program must be composed of at least 4 students but may not exceed 18 students. In order to protect the health and safety of students, each school must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 11 or more students, must have, in addition to a prekindergarten instructor who meets the requirements of s. 1002.55(3)(c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of subsection (6).
- (8) Each public school delivering the school-year prekindergarten must:
 - (a) Register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation; and
 - (b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

History s. 1, ch. 2004-484.

1002.65 Professional credentials of prekindergarten instructors; aspirational goals; legislative intent. –

- (1) The Legislature recognizes that there is a strong relationship between the skills and preparation of prekindergarten instructors and the educational outcomes of students in the Voluntary Prekindergarten Education Program.
- (2) To improve these educational outcomes, the Legislature intends that all prekindergarten instructors will continue to improve their skills and preparation through education and training, so that the following aspirational goals will be achieved:

- (a) By the 2010-2011 school year: 1. Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and 2. For each prekindergarten class composed of 11 or more students, in addition to a prekindergarten instructor who meets the requirements of subparagraph 1., the class will have at least one prekindergarten instructor who meets the requirements of s. 1002.55(3)(c).
- (b) By the 2013-2014 school year, each prekindergarten class will have at least one prekindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child development.

History s. 1, ch. 2004-484.

1002.67 Performance standards; curricula and accountability. –

- (1) By April 1, 2005, the department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:
 - (a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and
 - (b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.
- (2)
 - (a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (3)(c).
 - (b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must: 1. Be designed to prepare a student for early literacy; 2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and 3. Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.
 - (c) The department shall review and approve curricula for use by private prekindergarten providers and public schools that are placed on probation under paragraph (3)(c). The department shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).
- (3)
 - (a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten

Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the district complies with this part.

- (b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the Agency for Workforce Innovation shall require the early learning coalition to remove the provider, and the Department of Education shall require the school district to remove the school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part.
- (c) 1.If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan. 2.If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c). 3.A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6). 4.If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under 1002.69(6), the Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district, as applicable, to remove the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.
- (d) Each early learning coalition, the Agency for Workforce Innovation, and the department shall coordinate with the Child Care Services Program Office of the Department of Children & Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

History s. 1, ch. 2004-484.

1002.69 Statewide kindergarten screening; kindergarten readiness rates. –

- (1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year.
- (2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the department under s. 1002.67(1).
- (3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.
- (4) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school or nonpublic school. Each school district shall designate sites to administer the statewide kindergarten screening for children admitted to kindergarten in a nonpublic school.
- (5) The State Board of Education shall adopt procedures for the department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year. The rates must not include students who are not administered the statewide kindergarten screening.
- (6)
 - (a) The State Board of Education shall periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.
 - (b) The minimum rate must not exceed the rate at which more than 15 percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the

Voluntary Prekindergarten Education Program in the state would fall below the minimum rate.

History s. 1, ch. 2004-484.

1002.71 Funding; financial and attendance reporting. –

- (1) Funds appropriated for the Voluntary Prekindergarten Education Program may be used only for the program in accordance with this part. If the student enrollment in the program for a fiscal year exceeds the estimated enrollment upon which the appropriation for that fiscal year is provided, thereby causing a shortfall, funds appropriated to the program for the subsequent fiscal year must be used first to fund the shortfall.
- (2) A full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated as follows:
 - (a) For a student in a school-year prekindergarten program delivered by a private prekindergarten provider: 540 instructional hours.
 - (b) For a student in a summer prekindergarten program delivered by a public school or private prekindergarten provider: 300 instructional hours.
 - (c) For a student in a school-year prekindergarten program delivered by a public school: 540 instructional hours. Except as provided in subsection (4), a student may not be reported for funding purposes as more than one full-time equivalent student.
- (3)
 - (a) The base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act and shall be equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a private prekindergarten provider, a summer prekindergarten program delivered by a public school or private prekindergarten provider, or a school-year prekindergarten program delivered by a public school.
 - (b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.
 - (c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

- (4) Notwithstanding s. 1002.53(3) and subsection (2):
- (a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 10 percent of the hours authorized to be reported for funding under subsection (2) may withdraw from the program for good cause, reenroll in one of the programs, and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled.
 - (b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the programs, and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled. A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).
- (5)
- (a) Each early learning coalition shall maintain through the single point of entry established under s. 411.01 a current database of the students enrolled in the Voluntary Prekindergarten Education Program for each county within the coalition's region.
 - (b) The Agency for Workforce Innovation shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the Agency for Workforce Innovation to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the Agency for Workforce Innovation at least once each quarter the funds available for payment to private prekindergarten providers and public schools in accordance with this paragraph from the funds appropriated for that purpose.
- (6)
- (a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the

attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable.

- (b) 1. Each private prekindergarten provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance. 2. The parent must submit the verification of the student's attendance to the private prekindergarten provider or public school on forms prescribed by the Agency for Workforce Innovation. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school: VERIFICATION OF STUDENT' ATTENDANCE AND CERTIFICATION OF PARENTAL CHOICE I,

(Name of Parent)

, swear (or affirm) that my child,

(Name of Student)

, attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose

(Name of Provider or School)

to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

(Signature of Parent)

(Date)

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Agency for Workforce Innovation shall adopt procedures for early learning coalitions and school districts to review the original signed inspection techniques, including, but not limited to, random sampling. Each early learning coalition and school district must comply with the review procedures.

- (c) A private prekindergarten provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten

Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

- (d) The Agency for Workforce Innovation shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must establish a minimum requirement for student attendance and include the following provisions: 1.A student who meets the minimum requirement may be reported as a full-time equivalent student for funding purposes. 2.A student who does not meet the minimum requirement may be reported only as a fractional part of a full-time equivalent student, reduced pro rata based on the student's attendance. 3.A student who does not meet the minimum requirement may be reported as a full-time equivalent if the student is absent for good cause in accordance with exceptions specified in the uniform attendance policy. The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).
- (7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Each early learning coalition may retain and expend no more than 5 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.
- (8) Except as otherwise expressly authorized by law, a private prekindergarten provider or public school may not:
 - (a) Require payment of a fee or charge for services provided for a child enrolled in the Voluntary Prekindergarten Education Program during a period reported for funding purposes; or
 - (b) Require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the Voluntary Prekindergarten Education Program.
- (9) A parent is responsible for the transportation of his or her child to and from the Voluntary Prekindergarten Education Program, regardless of whether the program is delivered by a private prekindergarten provider

or a public school. However, a provider or school may use part of the funds it is paid under paragraph (5)(b) for transporting students to and from the program. A student enrolled in the Voluntary Prekindergarten Education Program may not be reported under s. 1011.68 for student transportation funds.

History s. 1, ch. 2004-484; s. 4, ch. 2005-56.

1002.72 Records of children in the Voluntary Prekindergarten Education Program. –

- (1) The individual records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent. This exemption applies to individual records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.
- (2) A parent has the right to inspect and review the individual Voluntary Prekindergarten Education Program record of his or her child and to obtain a copy of such record.
- (3) Confidential and exempt Voluntary Prekindergarten Education Program records may be released to:
 - (a) The United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits.
 - (b) Individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction.
 - (c) Accrediting organizations in order to carry out their accrediting functions.
 - (d) Appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the child or other individuals.
 - (e) The Auditor General in connection with his or her official functions.
 - (f) A court of competent jurisdiction in compliance with an order of that court pursuant to a lawfully issued subpoena.
 - (g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, Voluntary Prekindergarten Education Program providers, or state agencies for the purpose of implementing the Voluntary Prekindergarten Education Program.

Agencies, organizations, or individuals receiving such confidential and exempt records in order to carry out their official functions must protect the records in a manner that will not permit the personal identification of an enrolled child or his or her parent by persons other than those authorized to receive the records.

- (4) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

History s. 1, ch. 2005-88.

1002.73 Department of Education; powers and duties; accountability requirements. –

- (1) The department shall administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.
- (2) The department shall adopt procedures for the department's:
 - (a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.
 - (b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.
 - (c) Certification of school districts that are eligible to deliver the school-year prekindergarten program under s. 1002.63.
 - (d) Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.
- (3) Except as provided by law, the department may not impose requirements on a private prekindergarten provider that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

History s. 1, ch. 2004-484.

1002.75 Agency for Workforce Innovation; powers and duties; operational requirements. –

- (1) The Agency for Workforce Innovation shall administer the operational requirements of the Voluntary Prekindergarten Education Program at the state level.
- (2) The Agency for Workforce Innovation shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:
 - (a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.
 - (b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

- (c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.
 - (d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61.
 - (e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.
 - (f) Paying private prekindergarten providers and public schools under s. 1002.71.
 - (g) Documenting and certifying student enrollment and student attendance under s. 1002.71.
 - (h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.
 - (i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.71.
- (3) The Agency for Workforce Innovation shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:
- (a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.
 - (b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.
 - (c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.
- (4) The Agency for Workforce Innovation shall also adopt procedures for the agency's distribution of funds to early learning coalitions under s. 1002.71.
- (5) Except as provided by law, the Agency for Workforce Innovation may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

History s. 1, ch. 2004-484.

1002.77 Florida Early Learning Advisory Council. –

- (1) There is created the Florida Early Learning Advisory Council within the Agency for Workforce Innovation. The purpose of the advisory council is to submit recommendations to the department and the Agency for Workforce Innovation on the early learning policy of this state, including recommendations relating to administration of the Voluntary

Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

- (2) The advisory council shall be composed of the following members:
 - (a) The chair of the advisory council who shall be appointed by and serve at the pleasure of the Governor.
 - (b) The chair of each early learning coalition.
 - (c) One member who shall be appointed by and serve at the pleasure of the President of the Senate.
 - (d) One member who shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives. The chair of the advisory council appointed by the Governor and the members appointed by the presiding officers of the Legislature must each have a background in early learning.
- (3) The advisory council shall meet at least quarterly but may meet as often as necessary to carry out its duties and responsibilities.
- (4)
 - (a) Each member of the advisory council shall serve without compensation but is entitled to receive reimbursement for per diem and travel expenses for attendance at council meetings as provided in s. 112.061.
 - (b) Each member of the advisory council is subject to the ethics provisions in part III of chapter 112.
 - (c) For purposes of tort liability, each member of the advisory council shall be governed by s. 768.28.
- (5) The Agency for Workforce Innovation shall provide staff and administrative support for the advisory council.

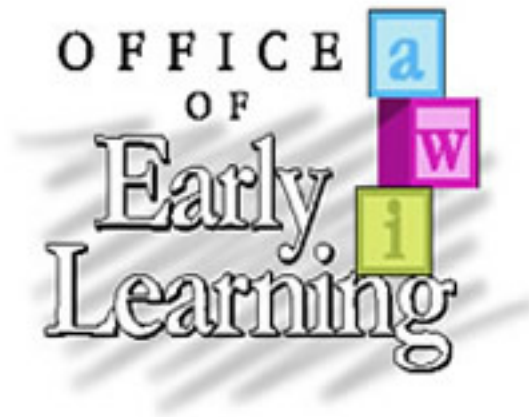
History s. 1, ch. 2004-484.

1002.79 Rulemaking authority. –

- (1) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the department.
- (2) The Agency for Workforce Innovation shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the agency.

History s. 1, ch. 2004-484.

Agency for Workforce Innovation



Florida Statutes – Title 30 – Chapter 411

Chapter 411 – Handicap or high-risk condition prevention and early childhood assistance

Part I – General Provisions

411.01 School readiness programs; early learning coalitions. –

- (1) SHORT TITLE. This section may be cited as the "School Readiness Act."
- (2) LEGISLATIVE INTENT.
 - (a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that the programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.
 - (b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.
 - (c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated to achieve full effectiveness.
 - (d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to administer the duties of the Agency for Workforce Innovation, as the school readiness programs are to be regionally designed, operated, and managed, with the Agency for Workforce Innovation developing school readiness program performance standards and outcome measures and approving and reviewing early learning coalitions and school readiness plans.
 - (e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.
 - (f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school

systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population.

- (g) It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.
 - (h) It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in subsection (6) and shall not be construed as part of the seamless K-20 education system.
- (3) PARENTAL PARTICIPATION IN SCHOOL READINESS PROGRAMS.
This section does not:
- (a) Relieve parents and guardians of their own obligations to prepare their children for school; or
 - (b) Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.
- (4) AGENCY FOR WORKFORCE INNOVATION.
- (a) The Agency for Workforce Innovation shall administer school readiness programs at the state level and shall coordinate the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.
 - (b) The Agency for Workforce Innovation shall: 1.Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs. 2.Continue to provide unified leadership for school readiness through early learning coalitions. 3.Focus on improving the educational quality of all publicly funded school readiness programs.
 - (c) For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the Agency for Workforce Innovation may be designated by the Governor as the lead agency and, if so designated, shall comply with the lead agency responsibilities under federal law.
 - (d) The Agency for Workforce Innovation shall: 1.Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements. 2.Provide final approval and periodic review of early learning coalitions and school readiness plans. 3.Provide leadership for the enhancement of school readiness in this state by aggressively establishing a unified

approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Agency for Workforce Innovation may develop and implement specific strategies that address the state's school readiness programs. 4.Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state. 5.Provide technical assistance to early learning coalitions. 6.Assess gaps in service. 7.Provide technical assistance to counties that form a multicounty region served by an early learning coalition. 8.Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of the school readiness skills required under paragraph (j). The performance standards for children from birth to 3 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

- (e) The Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the agency, including, but not limited to, rules governing the preparation and implementation of the school readiness system, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, and the issuance of waivers.
- (f) The Agency for Workforce Innovation shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.
- (g) Except as provided by law, the Agency for Workforce Innovation may not impose requirements on a child care or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under this section.
- (h) The Agency for Workforce Innovation shall have a budget for the school readiness system, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.
- (i) The Agency for Workforce Innovation shall coordinate the efforts toward school readiness in this state and provide independent

- policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.
- (j) The Agency for Workforce Innovation shall require that each early learning coalition's school readiness program must, at a minimum, enhance the age-appropriate progress of each child in the development of the following school readiness skills: 1.Compliance with rules, limitations, and routines. 2.Ability to perform tasks. 3.Interactions with adults. 4.Interactions with peers. 5.Ability to cope with challenges. 6.Self-help skills. 7.Ability to express the child's needs. 8.Verbal communication skills. 9.Problem-solving skills. 10.Following of verbal directions. 11.Demonstration of curiosity, persistence, and exploratory behavior. 12.Interest in books and other printed materials. 13.Paying attention to stories. 14.Participation in art and music activities. 15.Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships. The Agency for Workforce Innovation shall also require that, before a child is enrolled in an early learning coalition's school readiness program, the coalition must ensure that information is obtained by the coalition or the school readiness provider regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations.
 - (k) The Agency for Workforce Innovation shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the agency for school readiness programs.
 - (l) The Agency for Workforce Innovation shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.
 - (m)The Agency for Workforce Innovation shall identify best practices of early learning coalitions in order to improve the outcomes of school readiness programs.
 - (n) The Agency for Workforce Innovation shall submit an annual report of its activities conducted under this section to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Agency for Workforce Innovation's reports and recommendations shall be made available to the State Board of Education, the Florida Early Learning Advisory Council, other appropriate state agencies and entities, district school boards,

central agencies, and county health departments. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

- (o) The Agency for Workforce Innovation shall work with the early learning coalitions to increase parents' training for and involvement in their children's preschool education and to provide family literacy activities and programs.

(5) CREATION OF EARLY LEARNING COALITIONS.

- (a) Early learning coalitions. 1.The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must: a.Permit 30 or fewer coalitions to be established; and b.Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months. The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable. 2.If an early learning coalition would serve fewer children than the minimum number established under subparagraph 1., the coalition must merge with another county to form a multicounty coalition. However, the Agency for Workforce Innovation may authorize an early learning coalition to serve fewer children than the minimum number established under subparagraph 1., if: a.The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition; b.The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and c.The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and

efficiently implement the Voluntary Prekindergarten Education Program. If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency.

3. Notwithstanding the provisions of subparagraphs 1. and 2., the early learning coalitions in Sarasota, Osceola, and Santa Rosa Counties which were in operation on January 1, 2005, are established and authorized to continue operation as independent coalitions, and shall not be counted within the limit of 30 coalitions established in subparagraph 1.

4. Each early learning coalition shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following members:

- a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, who shall be a nonvoting member.
- c. A regional workforce board executive director or his or her designee.
- d. A county health department director or his or her designee.
- e. A children's services council or juvenile welfare board chair or executive director, if applicable, who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition.
- f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.
- g. A president of a community college or his or her designee.
- h. One member appointed by a board of county commissioners.
- i. A central agency administrator, where applicable, who shall be a nonvoting member.
- j. A Head Start director, who shall be a nonvoting member.
- k. A representative of private child care providers, including family day care homes, who shall be a nonvoting member.
- l. A representative of faith-based child care providers, who shall be a nonvoting member.
- m. A representative of programs for children with disabilities under the federal Individuals with Disabilities

Education Act, who shall be a nonvoting member. 7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition. The Agency for Workforce Innovation shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program. 8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. 9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges. 10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists. 11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28. 12. An early learning coalition serving a multicounty region must include representation from each county. 13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

- (b) Program participation. The school readiness program shall be established for children from birth to the beginning of the school year for which a child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. The program shall be administered by the early learning coalition. Within funding

limitations, the early learning coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

- (c) Program expectations. 1. The school readiness program must meet the following expectations: a. The program must, at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills required under paragraph (4)(j), as measured by the performance standards and outcome measures adopted by the Agency for Workforce Innovation. b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work. c. There must be coordinated staff development and teaching opportunities. d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency. e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout the county or multicounty region served by an early learning coalition, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Agency for Workforce Innovation shall establish a single statewide information system that integrates each early learning coalition's single point of entry, and each coalition must use the statewide system. f. The Agency for Workforce Innovation must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates. g. There must be a community plan to address the needs of all eligible children. h. The program must meet all state licensing guidelines, where applicable. 2. The early learning coalition must implement a comprehensive program of school readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures adopted by the Agency for Workforce Innovation. At a minimum, these programs must contain the following elements: a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance

standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8. b.A character development program to develop basic values. c.An age-appropriate assessment of each child's development. d.A pretest administered to children when they enter a program and a posttest administered to children when they leave the program. e.An appropriate staff-to-children ratio. f.A healthy and safe environment. g.A resource and referral network to assist parents in making an informed choice.

- (d) Implementation. 1.An early learning coalition may not implement the school readiness program until the coalition is authorized through approval of the coalition's school readiness plan by the Agency for Workforce Innovation. 2.Each early learning coalition shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures adopted by the Agency for Workforce Innovation. The plan must demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8. Before implementing the school readiness program, the early learning coalition must submit the plan to the Agency for Workforce Innovation for approval. The Agency for Workforce Innovation may approve the plan, reject the plan, or approve the plan with conditions. The Agency for Workforce Innovation shall review school readiness plans at least annually. 3.If the Agency for Workforce Innovation determines during the annual review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the agency, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency. 4.The Agency for Workforce Innovation shall adopt criteria for the approval of school readiness plans. The criteria must be consistent with the performance standards and outcome measures adopted by the agency and must require each approved plan to include the following minimum standards and provisions: a.A sliding fee scale establishing a copayment for parents based upon their ability to

pay, which is the same for all program providers, to be implemented and reflected in each program's budget. b.A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents. c.Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the Agency for Workforce Innovation. The plan must provide a method for assuring the qualifications of all personnel in all program settings. d.Specific eligibility priorities for children within the early learning coalition's county or multicounty region in accordance with subsection (6). e.Performance standards and outcome measures adopted by the Agency for Workforce Innovation. f.Payment rates adopted by the early learning coalition and approved by the Agency for Workforce Innovation. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature. g.Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement. h.Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. i.The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan. j.Strategies to meet the needs of unique populations, such as migrant workers. As part of the school readiness plan, the early learning coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If a school readiness plan demonstrates that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the Agency for Workforce Innovation may be submitted as part of the plan. Upon review, the Agency for Workforce Innovation may grant the proposed modification. 5.Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program. 6.An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the Agency for Workforce Innovation. Once the plan is approved, the plan and the services provided under the plan shall

be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the Agency for Workforce Innovation. If the Agency for Workforce Innovation rejects a revised plan, the coalition must continue to operate under its prior approved plan. 7. Sections 125.901(2)(a)3., 411.221, and 411.232 do not apply to an early learning coalition with an approved school readiness plan. To facilitate innovative practices and to allow the regional establishment of school readiness programs, an early learning coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223, 411.232, and 1003.54, if the waiver is necessary for implementation of the coalition's school readiness plan. 8. Two or more counties may join for purposes of planning and implementing a school readiness program. 9. An early learning coalition may, subject to approval by the Agency for Workforce Innovation as part of the coalition's school readiness plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program. 10. An early learning coalition may enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

- (e) Requests for proposals; payment schedule. 1. Each early learning coalition must comply with s. 287.057 for the procurement of commodities or contractual services from the funds described in paragraph (9)(d). The period of a contract for purchase of these commodities or contractual services, together with any renewal of the original contract, may not exceed 3 years. 2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded by the coalition under this section. The payment schedule must take into consideration the relevant market rate, must include the projected number of children to be served, and must be submitted for approval by the Agency for Workforce Innovation. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for a family day care home.
- (f) Requirements relating to fiscal agents. If an early learning coalition is not legally organized as a corporation or other business entity, the coalition must designate a fiscal agent, which may be a public entity, a private nonprofit organization, or a certified public accountant who holds a license under chapter 473. The fiscal agent must provide financial and administrative services under a contract with the early learning coalition. The fiscal agent may not provide direct early childhood education or child care services; however, a fiscal agent may provide those services upon written request of the

early learning coalition to the Agency for Workforce Innovation and upon the approval of the request by the agency. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the early learning coalition. If the fiscal agent is a provider of early childhood education and child care programs, the contract must specify that the fiscal agent shall act on policy direction from the early learning coalition and must not receive policy direction from its own corporate board regarding disbursement of the coalition's funds. The fiscal agent shall disburse funds in accordance with the early learning coalition's approved school readiness plan and based on billing and disbursement procedures approved by the Agency for Workforce Innovation. The fiscal agent must conform to all data-reporting requirements established by the Agency for Workforce Innovation.

- (g) Evaluation and annual report. Each early learning coalition shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Agency for Workforce Innovation. This report must conform to the content and format specifications set by the Agency for Workforce Innovation. The Agency for Workforce Innovation must include an analysis of the early learning coalitions' reports in the agency's annual report.
- (6) PROGRAM ELIGIBILITY. Each early learning coalition's school readiness program shall be established for children from birth to the beginning of the school year for which a child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. Priority for participation in the school readiness program shall be given to children age 3 years to school entry who are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Other eligible populations include children who meet one or more of the following criteria:
 - (a) Children under the age of kindergarten eligibility who are:
 - 1. Children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services, but who are not otherwise given priority under this subsection.
 - 2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.
 - 3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.
 - 4. Children for whom the state is paying a relative caregiver payment under s. 39.5085.

- (b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.
 - (c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs.
 - (d) Children who meet federal and state eligibility requirements for the migrant preschool program but who do not meet the criteria of economically disadvantaged. As used in this subsection, the term "economically disadvantaged" child means a child whose family income does not exceed 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program remains eligible until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.
- (7) PARENTAL CHOICE.
- (a) The school readiness program shall provide parental choice through a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.
 - (b) If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the early learning coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.
 - (c) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the Agency for Workforce Innovation.
- (8) STANDARDS; OUTCOME MEASURES. All school readiness programs must meet the performance standards and outcome measures adopted by the Agency for Workforce Innovation.

(9) FUNDING; SCHOOL READINESS PROGRAM.

- (a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early childhood education and child care programs operating in this state.
- (b) 1. The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216. 2. All instructions to early learning coalitions for administering this section shall emanate from the Agency for Workforce Innovation in accordance with the policies of the Legislature.
- (c) The Agency for Workforce Innovation shall adopt a formula for the allocation among the early learning coalitions of all state and federal school readiness funds for children participating in public or private school readiness programs based upon equity and performance. The allocation formula must be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget Commission shall authorize the Agency for Workforce Innovation to distribute funds in accordance with the allocation formula. For fiscal year 2004-2005, the Agency for Workforce Innovation shall allocate funds to the early learning coalitions consistent with the fiscal year 2003-2004 funding allocations to the school readiness coalitions.
- (d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used by the coalition for implementation of its school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the Agency for Workforce Innovation shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the Agency for Workforce Innovation. The Agency for Workforce Innovation shall annually report to the Legislature any problems relating to administrative costs.
- (e) The Agency for Workforce Innovation shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions.
- (f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. The Agency for Workforce Innovation shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

- (g) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund each early learning coalition's school readiness program.
- (10) **CONFLICTING PROVISIONS.** In the event of a conflict between this section and federal requirements, the federal requirements shall control.
- (11) **PLACEMENTS.** Notwithstanding any other provision of this section to the contrary, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be made in accordance with subsection (6).

History – s. 1, ch. 99-357; s. 65, ch. 2000-139; s. 1, ch. 2000-149; s. 97, ch. 2000-165; s. 12, ch. 2000-337; s. 55, ch. 2001-62; s. 13, ch. 2001-89; s. 20, ch. 2001-170; s. 114, ch. 2001-266; s. 4, ch. 2002-38; s. 998, ch. 2002-387; ss. 59, 79, ch. 2002-402; s. 48, ch. 2003-1; s. 453, ch. 2003-261; s. 3, ch. 2003-292; s. 74, ch. 2003-399; s. 49, ch. 2004-269; s. 2, ch. 2004-484; s. 2, ch. 2005-56. Note. Section 16, ch. 2004-484, provides that: "(1)The Florida Partnership for School Readiness is abolished. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Florida Partnership for School Readiness are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation. "(2)This act does not abolish the school readiness coalitions but redesignates the coalitions as early learning coalitions and, effective April 1, 2005, requires a reduction in the number of coalitions. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of each school readiness coalition are not transferred but shall be retained by the early learning coalition upon its redesignation from a school readiness coalition to an early learning coalition."

411.0105 Early Learning Opportunities Act and Even Start Family Literacy Programs; lead agency. – For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.

History – s. 19, ch. 2001-170.

411.011 Records of children in school readiness programs. –

- (1) The individual records of children enrolled in school readiness programs provided under s. 411.01, held by an early learning coalition or the Agency for Workforce Innovation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.
- (2) A parent, guardian, or individual acting as a parent in the absence of a parent or guardian has the right to inspect and review the individual school readiness program record of his or her child and to obtain a copy of the record.

- (3) School readiness records may be released to:
- (a) The United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits.
 - (b) Individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction.
 - (c) Accrediting organizations in order to carry out their accrediting functions.
 - (d) Appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the child enrollee or other individuals.
 - (e) The Auditor General in connection with his or her official functions.
 - (f) A court of competent jurisdiction in compliance with an order of that court in accordance with a lawfully issued subpoena.
 - (g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the Agency for Workforce Innovation for the purpose of implementing the school readiness program. Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

History – s. 3, ch. 2000-299; s. 9, ch. 2004-484; s. 1, ch. 2005-131.

411.201 Florida Prevention, Early Assistance, and Early Childhood Act; short title. – This chapter may be cited as the "Florida Prevention, Early Assistance, and Early Childhood Act."

History – s. 1, ch. 89-379.

411.202 Definitions – As used in this chapter, the term:

- (1) "Assistance services" means those assessments, individualized therapies, and other medical, educational, and social services designed to enhance the environment for the high-risk or handicapped preschool child, in order to achieve optimum growth and development. Provision of such services may include monitoring and modifying the delivery of assistance services.
- (2) "Case management" means those activities aimed at assessing the needs of the high-risk child and his or her family; planning and linking the service system to the child and his or her family, based on child and family outcome objectives; coordinating and monitoring service delivery; and evaluating the effect of the service delivery system.

- (3) "Community-based local contractor" means any unit of county or local government, any for-profit or not-for-profit organization, or a school district.
- (4) "Developmental assistance" means individualized therapies and services needed to enhance both the high-risk child's growth and development and family functioning.
- (5) "Discharge planning" means the modification of the written individual and family service plan at the time of discharge from the hospital, which plan identifies for the family of a high-risk or handicapped infant a prescription of needed medical treatments or medications, specialized evaluation needs, and necessary nonmedical and educational intervention services.
- (6) "Drug-exposed child" means any child from birth to 5 years of age for whom there is documented evidence that the mother used illicit drugs or was a substance abuser, or both, during pregnancy and the child exhibits:
 - (a) Abnormal growth;
 - (b) Abnormal neurological patterns;
 - (c) Abnormal behavior problems; or
 - (d) Abnormal cognitive development.
- (7) "Early assistance" means any sustained and systematic effort designed to prevent or reduce the assessed level of health, educational, biological, environmental, or social risk for a high-risk child and his or her family.
- (8) "Handicapped child" means a preschool child who is developmentally disabled, mentally handicapped, speech impaired, language impaired, deaf or hard of hearing, blind or partially sighted, physically handicapped, health impaired, or emotionally handicapped; a preschool child who has a specific learning disability; or any other child who has been classified under rules of the State Board of Education as eligible for preschool special education services, with the exception of those who are classified solely as gifted.
- (9) "High-risk child" or "at-risk child" means a preschool child with one or more of the following characteristics:
 - (a) The child is a victim or a sibling of a victim in a confirmed or indicated report of child abuse or neglect.
 - (b) The child is a graduate of a perinatal intensive care unit.
 - (c) The child's mother is under 18 years of age, unless the mother received necessary comprehensive maternity care and the mother and child currently receive necessary support services.
 - (d) The child has a developmental delay of one standard deviation below the mean in cognition, language, or physical development.
 - (e) The child has survived a catastrophic infectious or traumatic illness known to be associated with developmental delay.

- (f) The child has survived an accident resulting in a developmental delay.
 - (g) The child has a parent or guardian who is developmentally disabled, severely emotionally disturbed, drug or alcohol dependent, or incarcerated and who requires assistance in meeting the child's developmental needs.
 - (h) The child has no parent or guardian.
 - (i) The child is drug exposed.
 - (j) The child's family's income is at or below 100 percent of the federal poverty level or the child's family's income level impairs the development of the child.
 - (k) The child is a handicapped child as defined in subsection (8).
 - (l) The child has been placed in residential care under the custody of the state through dependency proceedings pursuant to chapter 39.
 - (m) The child is a member of a migrant farmworker family.
- (10) "Impact evaluation" means the provision of evaluation information to the department on the impact of the components of the childhood pregnancy prevention public education program and an assessment of the impact of the program on a child's related sexual knowledge, attitudes, and risk-taking behavior.
- (11) "Individual and family service plan" means a written individualized plan describing the developmental status of the high-risk child and the therapies and services needed to enhance both the high-risk child's growth and development and family functioning, and shall include the contents of the written individualized family service plan as defined in part H of Pub. L. No. 99-457.
- (12) "Infant" or "toddler" means any child from birth to 3 years of age.
- (13) "Interdisciplinary team" means a team that may include the physician, psychologist, educator, social worker, nursing staff, physical or occupational therapist, speech pathologist, parents, developmental intervention and parent support and training program director, case manager for the child and family, and others who are involved with the individual and family service plan.
- (14) "Parent support and training" means a range of services for families of high-risk or handicapped preschool children, including family counseling; financial planning; agency referral; development of parent-to-parent support groups; education relating to growth and development, developmental assistance, and objective measurable skills, including abuse avoidance skills; training of parents to advocate for their child; and bereavement counseling.
- (15) "Posthospital assistance services" means assessment, individual and family service planning, developmental assistance, counseling, parent education, and referrals which are delivered as needed in a home or

nonhome setting, upon discharge, by a professional or paraprofessional trained for this purpose.

- (16) "Prenatal" means the time period from pregnancy to delivery.
- (17) "Preschool child" means a child from birth to 5 years of age, including a child who attains 5 years of age before September 1.
- (18) "Prevention" means any program, service, or sustained activity designed to eliminate or reduce high-risk conditions in pregnant women, to eliminate or ameliorate handicapping or high-risk conditions in infants, toddlers, or preschool children, or to reduce sexual activity or the risk of unwanted pregnancy in teenagers.
- (19) "Preventive health care" means periodic physical examinations, immunizations, and assessments for hearing, vision, nutritional deficiencies, development of language, physical growth, small and large muscle skills, and emotional behavior, as well as age-appropriate laboratory tests.
- (20) "Process evaluation" means the provision of information to the department on the breadth and scope of the childhood pregnancy prevention public education program. The evaluation must identify program areas that need modification and identify community-based local contractor strategies and procedures which are particularly effective.
- (21) "Strategic plan" means a report that analyzes existing programs, services, resources, policy, and needs and sets clear and consistent direction for programs and services for high-risk pregnant women and for preschool children, with emphasis on high-risk and handicapped children, by establishing goals and child and family outcomes, and strategies to meet them.
- (22) "Teen parent" means a person under 18 years of age or enrolled in school in grade 12 or below, who is pregnant, who is the father of an unborn child, or who is the parent of a child.

History – s. 1, ch. 89-379; s. 7, ch. 90-358; s. 2, ch. 91-229; s. 1, ch. 95-321; s. 51, ch. 97-103; s. 62, ch. 2000-153.

411.203 Continuum of comprehensive services. – The Department of Education and the Department of Health and Rehabilitative Services shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable.

Implementation of the continuum shall be based upon applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

- (1) EDUCATION AND AWARENESS.
 - (a) Education of the public concerning, but not limited to, the causes of handicapping conditions, normal and abnormal child development, the benefits of abstinence from sexual activity, and the consequences of teenage pregnancy.
 - (b) Education of professionals and paraprofessionals concerning, but not limited to, the causes of handicapping conditions, normal and abnormal child development, parenting skills, the benefits of abstinence from sexual activity, and the consequences of teenage pregnancy, through preservice and inservice training, continuing education, and required postsecondary coursework.
- (2) INFORMATION AND REFERRAL.
 - (a) Providing information about available services and programs to families of high-risk and handicapped children.
 - (b) Providing information about service options and providing technical assistance to aid families in the decisionmaking process.
 - (c) Directing the family to appropriate services and programs to meet identified needs.
- (3) CASE MANAGEMENT.
 - (a) Arranging and coordinating services and activities for high-risk pregnant women, and for high-risk children and their families, with identified service providers.
 - (b) Providing appropriate casework services to pregnant women and to high-risk children and their families.
 - (c) Advocating for pregnant women and for children and their families.
- (4) SUPPORT SERVICES PRIOR TO PREGNANCY.
 - (a) Basic needs, such as food, clothing, and shelter.
 - (b) Health education.
 - (c) Family planning services, on a voluntary basis.
 - (d) Counseling to promote a healthy, stable, and supportive family unit, to include, but not be limited to, financial planning, stress management, and educational planning.
- (5) MATERNITY AND NEWBORN SERVICES.
 - (a) Comprehensive prenatal care, accessible to all pregnant women and provided for high-risk pregnant women.
 - (b) Adoption counseling for unmarried pregnant teenagers.
 - (c) Nutrition services for high-risk pregnant women.
 - (d) Perinatal intensive care.
 - (e) Delivery services for high-risk pregnant women.
 - (f) Postpartum care.

- (g) Nutrition services for lactating mothers of high-risk children.
 - (h) A new mother information program at the birth site, to provide an informational brochure about immunizations, normal child development, abuse avoidance and appropriate parenting strategies, family planning, and community resources and support services for all parents of newborns and to schedule Medicaid-eligible infants for a health checkup.
 - (i) Appropriate screenings, to include, but not be limited to, metabolic screening, sickle-cell screening, hearing screening, developmental screening, and categorical screening.
 - (j) Followup family planning services for high-risk mothers and mothers of high-risk infants.
- (6) HEALTH AND NUTRITION SERVICES FOR PRESCHOOL CHILDREN.
- (a) Preventive health services for all preschool children.
 - (b) Nutrition services for all preschool children, including, but not limited to, the Child Care Food Program and the Special Supplemental Food Program for Women, Infants, and Children.
 - (c) Medical care for seriously medically impaired preschool children.
 - (d) Cost-effective quality health care alternatives for medically involved preschool children, in or near their homes.
- (7) EDUCATION, EARLY ASSISTANCE, AND RELATED SERVICES FOR HIGH-RISK CHILDREN AND THEIR FAMILIES.
- (a) Early assistance, including, but not limited to, developmental assistance programs, parent support and training programs, and appropriate followup assistance services, for handicapped and high-risk infants and their families.
 - (b) Special education and related services for handicapped children.
 - (c) Education, early assistance, and related services for high-risk children.
- (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS OF HIGH-RISK CHILDREN.
- (a) Nonmedical prenatal and support services for pregnant teenagers and other high-risk pregnant women.
 - (b) Child care and early childhood programs, including, but not limited to, subsidized child care, licensed nonsubsidized child care, family day care homes, therapeutic child care, Head Start, and preschool programs in public and private schools.
 - (c) Parent education and counseling.
 - (d) Transportation.
 - (e) Respite care, homemaker care, crisis management, and other services that allow families of high-risk children to maintain and provide quality care to their children at home.
 - (f) Parent support groups, such as the community resource mother or father program as established in s. 402.45, or parents as first

teachers, to strengthen families and to enable families of high-risk children to better meet their needs.

- (g) Utilization of the elderly, either as volunteers or paid employees, to work with high-risk children.
- (h) Utilization of high school and postsecondary students as volunteers to work with high-risk children.

(9) MANAGEMENT SYSTEMS AND PROCEDURES.

- (a) Resource information systems on services and programs available for families.
- (b) Registry of high-risk newborns and newborns with birth defects, which utilizes privacy safeguards for children and parents who are subjects of the registry.
- (c) Local registry of preschoolers with high-risk or handicapping conditions, which utilizes privacy safeguards for children and parents who are subjects of the registry.
- (d) Information sharing system among the Department of Health and Rehabilitative Services, the Department of Education, local education agencies, and other appropriate entities, on children eligible for services. Information may be shared when parental or guardian permission has been given for release.
- (e) Well-baby insurance for preschoolers included in the family policy coverage.
- (f) Evaluation, to include: 1. Establishing child-centered and family-focused goals and objectives for each element of the continuum. 2. Developing a system to report child and family outcomes and program effectiveness for each element of the continuum.
- (g) Planning for continuation of services, to include: 1. Individual and family service plan by an interdisciplinary team, for the transition from birth or the earliest point of identification of a high-risk infant or toddler into an early assistance, preschool program for 3-year-olds or 4-year-olds, or other appropriate programs. 2. Individual and family service plan by an interdisciplinary team, for the transition of a high-risk preschool child into a public or private school system.

History – s. 1, ch. 89-379; s. 999, ch. 2002-387. Note.The Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

411.205 Rules. – The Department of Health and Rehabilitative Services and the State Board of Education shall adopt rules necessary for the implementation of this chapter.

History – s. 1, ch. 89-379. Note.The Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

Part II – Prevention and Early Assistance

411.22 Legislative Intent. – The Legislature finds and declares that 50 percent of handicapping conditions in young children can be prevented, and such conditions which are not prevented can be minimized by focusing prevention efforts on high-risk pregnant women and on high-risk and handicapped preschool children and their families. The Legislature further finds that by preventing handicaps in preschool children, infant mortality and child abuse can be reduced and this state can reap substantial savings in both human potential and state funds. The Legislature finds that infant mortality, handicapping conditions in young children, and other health problems for infants and mothers are associated with teenage pregnancy and that the prevention of sexual activity and unwanted teenage pregnancy can reduce the number of at-risk children, while increasing human potential and reducing the cost of health care. The Legislature further finds that a continuum of integrated services is needed to identify, diagnose, and treat high-risk conditions in pregnant women and in preschool children. The Legislature finds that intraagency and interagency coordination can enhance the framework of a continuum that is already in existence and that coordination of public sector and private sector prevention services can reduce infant mortality and handicapping conditions in preschool children and minimize the effects of handicapping conditions. It is the intent of the Legislature, therefore, that a continuum of efficient and cost-effective prevention and early assistance services be identified, that a plan for intraagency and interagency coordination be developed for the purpose of implementing such a continuum, and that the continuum of services be implemented as resources are made available for such implementation.

History – s. 2, ch. 89-379; s. 8, ch. 90-358.

411.221 Prevention and early assistance strategic plan; agency responsibilities. –

- (1) The Department of Health and Rehabilitative Services and the Department of Education shall prepare a joint strategic plan relating to prevention and early assistance, which shall include, but not be limited to, the following:
 - (a) Identification of the department which has the responsibility for each program area described in the continuum.
 - (b) Identification of the unit within each department which has responsibility for each program area described in the continuum.
 - (c) Identification of existing continuum programs on an intraagency and interagency basis.
 - (d) Identification of strategies for coordination of services on both an intraagency and interagency basis and a description of the progress of implementation of strategies.
 - (e) Identification of strategies for reducing duplication of services on both an intraagency and interagency basis and a description of progress of those strategies in reduction of duplication.

- (f) Identification of activities for coordination and integration of prevention and early assistance services with state agencies other than the Department of Education or the Department of Health and Rehabilitative Services.
 - (g) Identification of activities for coordination and integration of prevention and early assistance services at the district and local levels and strategies for public and private partnerships in the provision of the continuum of services.
 - (h) Recommendations for implementation of the continuum of comprehensive services, including, but not limited to, the schedule for implementation of components.
 - (i) Identification of barriers impacting implementation of components of the continuum of services.
 - (j) Proposed changes to the continuum of services.
 - (k) Identification of methods of comparing program and child and family outcomes and identification of standardized reporting procedures to enhance data collection and analysis on an intraagency and interagency basis.
 - (l) Recommendations, if any, for legislative, administrative, or budgetary changes. Budgetary changes shall include recommendations regarding the development by the Department of Health and Rehabilitative Services and the Department of Education of a unified program budget for all prevention and early assistance services to high-risk pregnant women and to high-risk preschool children and their families. Such budget recommendations shall be consistent with the goals of the joint strategic plan and with the continuum of comprehensive services.
- (2) The strategic plan and subsequent plan revisions shall incorporate and otherwise utilize, to the fullest extent possible, the evaluation findings and recommendations from intraagency, independent third-party, field projects, and reports issued by the Auditor General or the Office of Program Policy Analysis and Government Accountability, as well as the recommendations of the State Coordinating Council for School Readiness Programs.
- (3) At least biennially, the Department of Health and Rehabilitative Services and the Department of Education shall readdress the joint strategic plan submitted pursuant to this section and make necessary revisions. The revised plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than January 1 of each odd-numbered year.
- (4) There is established an interagency coordinating council to advise the Department of Health and Rehabilitative Services, the Department of Education, and other state agencies in the development of the joint strategic plan and to monitor the development of the plan. For the purpose of carrying out its responsibilities, the interagency coordinating

council shall have access to statistical information, budget documents, and workpapers developed by the Department of Health and Rehabilitative Services and the Department of Education in preparing the joint strategic plan. The interagency coordinating council shall advise the appropriate substantive committees of the Senate and House of Representatives, and the Office of the Governor, on the progress of activities required in this chapter.

History – s. 2, ch. 89-379; s. 17, ch. 94-154; s. 6, ch. 97-98; s. 22, ch. 2000-337; s. 115, ch. 2001-266. Note. The Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

411.223 Uniform standards. –

- (1) The Department of Children and Family Services, in consultation with the Department of Education, shall establish a minimum set of procedures for each preschool child who receives preventive health care with state funds. Preventive health care services shall meet the minimum standards established by federal law for the Early Periodic Screening, Diagnosis, and Treatment Program and shall provide guidance on screening instruments which are appropriate for identifying health risks and handicapping conditions in preschool children.
- (2) Duplicative diagnostic and planning practices shall be eliminated to the extent possible. Diagnostic and other information necessary to provide quality services to high-risk or handicapped children shall be shared among the program offices of the Department of Children and Family Services, pursuant to the provisions of s. 1002.22.

History – s. 2, ch. 89-379; s. 66, ch. 2000-139; s. 1000, ch. 2002-387.

411.224 Family support planning process. – The Legislature establishes a family support planning process to be used by the Department of Children and Family Services as the service planning process for targeted individuals, children, and families under its purview.

- (1) The Department of Education shall take all appropriate and necessary steps to encourage and facilitate the implementation of the family support planning process for individuals, children, and families within its purview.
- (2) To the extent possible within existing resources, the following populations must be included in the family support planning process:
 - (a) Children from birth to age 5 who are served by the clinic and programs of the Division of Children's Medical Services of the Department of Health.
 - (b) Children participating in the developmental evaluation and intervention program of the Division of Children's Medical Services of the Department of Health.

- (c) Children from birth through age 5 who are served by the Developmental Disabilities Program Office of the Department of Children and Family Services.
 - (d) Children from birth through age 5 who are served by the Mental Health Program Office of the Department of Children and Family Services.
 - (e) Participants who are served by the Children's Early Investment Program established in s. 411.232.
 - (f) Healthy Start participants in need of ongoing service coordination.
 - (g) Children from birth through age 5 who are served by the voluntary family services, protective supervision, foster care, or adoption and related services programs of the Child Care Services Program Office of the Department of Children and Family Services, and who are eligible for ongoing services from one or more other programs or agencies that participate in family support planning; however, children served by the voluntary family services program, where the planned length of intervention is 30 days or less, are excluded from this population.
- (3) When individuals included in the target population are served by Head Start, local education agencies, or other prevention and early intervention programs, providers must be notified and efforts made to facilitate the concerned agency's participation in family support planning.
- (4) Local education agencies are encouraged to use a family support planning process for children from birth through 5 years of age who are served by the prekindergarten program for children with disabilities, in lieu of the Individual Education Plan.
- (5) There must be only a single-family support plan to address the problems of the various family members unless the family requests that an individual family support plan be developed for different members of that family. The family support plan must replace individual habilitation plans for children from birth through 5 years old who are served by the Developmental Disabilities Program Office of the Department of Children and Family Services. To the extent possible, the family support plan must replace other case-planning forms used by the Department of Children and Family Services.
- (6) The family support plan at a minimum must include the following information:
- (a) The family's statement of family concerns, priorities, and resources.
 - (b) Information related to the health, educational, economic and social needs, and overall development of the individual and the family.
 - (c) The outcomes that the plan is intended to achieve.
 - (d) Identification of the resources and services to achieve each outcome projected in the plan. These resources and services are to be provided based on availability and funding.

- (7) A family support plan meeting must be held with the family to initially develop the family support plan and annually thereafter to update the plan as necessary. The family includes anyone who has an integral role in the life of the individual or child as identified by the individual or family. The family support plan must be reviewed periodically during the year, at least at 6-month intervals, to modify and update the plan as needed. Such periodic reviews do not require a family support plan team meeting but may be accomplished through other means such as a case file review and telephone conference with the family.
- (8) The initial family support plan must be developed within a 90-day period. If exceptional circumstances make it impossible to complete the evaluation activities and to hold the initial family support plan team meeting within a reasonable time period, these circumstances must be documented, and the individual or family must be notified of the reason for the delay. With the agreement of the family and the provider, services for which either the individual or the family is eligible may be initiated before the completion of the evaluation activities and the family support plan.
- (9) The Department of Children and Family Services, the Department of Health, and the Department of Education, to the extent that funds are available, must offer technical assistance to communities to facilitate the implementation of the family support plan.
- (10) The Department of Children and Family Services, the Department of Health, and the Department of Education shall adopt rules necessary to implement this act.

History – s. 7, ch. 93-143; s. 196, ch. 99-8; s. 67, ch. 2000-139; s. 63, ch. 2000-158.

411.226 Learning Gateway. –

- (1) PROGRAM GOALS. The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:
 - (a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional

- functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.
- (b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.
 - (c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.
 - (d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.
 - (e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.
 - (f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.
- (2) LEARNING GATEWAY STEERING COMMITTEE.
- (a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.
 - (b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.
 - (c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in s. 411.227 through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.
 - (d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in

audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

- (e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Agency for Workforce Innovation, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.
 - (f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chair of the steering committee.
 - (g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under s. 112.061.
- (3) **LEARNING GATEWAY DEMONSTRATION PROJECTS.**
- (a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in s. 411.227. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

- (b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.
- (c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.
- (d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.
- (e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.
- (f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.
- (g) Addressing system components delineated in s. 411.227, each demonstration project proposal must include, at a minimum:
 - 1. Protocols for requiring and receiving parental consent for Learning Gateway services.
 - 2. A method for establishing communication with parents and coordination and planning processes within the community.
 - 3. Action steps for making appropriate linkages to existing services within the community.
 - 4. Procedures to determine gaps in services and identify appropriate providers.
 - 5. A lead agency to serve as the system access point, or gateway.
- (h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.
- (i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt

of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

History – s. 5, ch. 2002-265; s. 1, ch. 2003-3; s. 10, ch. 2004-484.

411.227 Components of the Learning Gateway. – The Learning Gateway system consists of the following components:

- (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.
 - (a) Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems: 1. Conducting intake with families. 2. Conducting appropriate screening or referral for such services. 3. Conducting needs/strengths-based family assessment. 4. Developing family resource plans. 5. Making referrals for needed services and assisting families in the application process. 6. Providing service coordination as needed by families. 7. Assisting families in establishing a medical home. 8. Conducting case management and transition planning as necessary. 9. Monitoring performance of service providers against appropriate standards.
 - (b) The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

- (c) In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.
 - (d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.
 1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the Agency for Workforce Innovation.
 2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.
- (2) SCREENING AND DEVELOPMENTAL MONITORING.
- (a) In coordination with the Agency for Workforce Innovation, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.
 - (b) Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering

committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

- (c) Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.
- (d) Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.
- (e) The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.
- (f) Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.
- (g) In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs.

Intervention programs for children, parents, and caregivers include those administered or funded by the: 1. Agency for Health Care Administration; 2. Department of Children and Family Services; 3. Department of Corrections and other criminal justice programs; 4. Department of Education; 5. Department of Health; and 6. Department of Juvenile Justice.

- (h) When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.
 - (i) The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.
 - (j) Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119 regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.
- (3) EARLY EDUCATION, SERVICES AND SUPPORTS.
- (a) The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include: 1. High-quality early education and care programs. 2. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions. 3. Speech and language therapy that is age-appropriate. 4. Parent education and training. 5. Comprehensive medical screening and referral with biomedical interventions as necessary. 6. Referral as needed for family therapy, other mental health services, and treatment programs. 7. Family support services as necessary. 8. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3. 9. Referral for Part B or Part C services as required. 10. Expanded access to community-based services for parents. 11. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

- (b) Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.
- (c) The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Agency for Workforce Innovation, shall identify the elements of an effective research-based curriculum for early care and education programs.
- (d) The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.
- (e) The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.
- (f) Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the

demonstration projects in securing state and federal waivers as appropriate.

History – s. 6, ch. 2002-265; s. 11, ch. 2004-484.

411.228 Accountability. –

- (1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.
- (2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.
- (3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.
- (4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:
 - (a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;
 - (b) Improve early identification of those who are at risk for learning problems and learning disabilities;

- (c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;
- (d) Improve and coordinate screening for children from birth through age 9;
- (e) Improve and coordinate services for children from birth through age 9;
- (f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;
- (g) Provide appropriate support to families;
- (h) Share best practices with caregivers and referral sources;
- (i) Address resource needs of the assessment and intervention system; and
- (j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

History – s. 7, ch. 2002-265.

Part III – Infants and Toddlers

411.23 Short title. – Sections 411.23-411.232 may be cited as the "Children's Early Investment Act."

History – s. 3, ch. 89-379.

411.231 Legislative intent; purpose. – The Legislature recognizes the need for and value of intensive, comprehensive, integrated, and continuous services statewide for young children who are at risk of developmental dysfunction or delay. For the purposes of the Children's Early Investment Program, the term "young children" includes infants, 1-year-olds, and 2-year-olds. The Legislature supports intensive and comprehensive supportive programs and services being directed to expectant mothers and young children who, because of economic, social, environmental, or health factors need such services to enhance their development. The Legislature recognizes that children are part of families and that lasting effects on children can occur most productively when there is investment in and with families. The participants in the Children's Early Investment Program shall receive priority consideration for needed services, including prenatal care; health services to mothers and their young children; child care; alcohol and drug abuse treatment services; and economic support and training services. It is the intent of the Legislature that programs and services that will enhance a child's physical, social, emotional, and intellectual development and provide support to parents and other family members be provided initially to geographic areas where the expectant mothers and young children are at great

risk and that these programs and services ultimately be available statewide to all children and families who need them. These programs and services must be offered and coordinated by persons who have adequate time, skill, and resources to work with participants in a meaningful and effective manner.

History – s. 3, ch. 89-379.

411.232 Children’s Early Investment Program. –

- (1) **CREATION.** There is hereby created the Children's Early Investment Program for young children who are at risk of developmental dysfunction or delay and for their families. This program shall coordinate a variety of resources to program participants through a responsible agent for the child and the child's family. The services and assistance provided shall focus on the family and shall be comprehensive. The programs and services offered shall enhance family independence and shall provide social and educational resources needed for healthy child development.
- (2) **GOALS.** The goal of the Children's Early Investment Program is to encourage and assist an effective investment strategy for the at-risk young children in this state and their families so that they will develop into healthy and productive members of society. The Children's Early Investment Program is designed to provide intensive early intervention to at-risk expectant mothers, young children, and their families in order that this state will invest now for a future in which the workforce is skilled and stable; in which crime rates are reduced; and in which the social and economic costs of high-risk pregnancies and low birthweight babies are reduced. The objectives of the Children's Early Investment Program are to increase the percentage of children entering the school system who are ready and able to learn; to reduce teenage pregnancies among this at-risk population; to reduce the numbers of cocaine babies born in this state; to reduce the crime rate among these children as they grow up; to reduce the rate of school dropouts in this state and to increase the basic skills and ability of the future workforce. It is anticipated the efforts targeted now to expectant mothers and young children will show their greatest results in the years when these at-risk children enter school and when they are teenagers and young adults. Benefits are also anticipated, however, as the families of these children are assisted in addressing their own needs, and corresponding reductions in foster care placements, low birthweight babies, teen pregnancy, economic instability and dependence, and other signs of dysfunction are anticipated.
- (3) **ESSENTIAL ELEMENTS.**
 - (a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation,

extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of single mothers who receive temporary cash assistance, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate: 1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services; 2. Its capacity to identify and serve those children least able to access existing programs and case management services; 3. Its capacity to administer and coordinate the programs and services in an intensive and continuous manner; 4. The proximity of its facilities to young children, parents, and other family members to be served by the program, or its ability to provide offsite services; 5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program; 6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk; 7. How its plan will involve project participants and community representatives in the planning and operation of the investment program; 8. Its ability to participate in the evaluation component required in this section; and 9. Its consistency with the strategic plan pursuant to s. 411.221.

(b) While a flexible range of services is essential in the implementation of this act, the following services shall be considered the core group of services: 1. Adequate prenatal care; 2. Health services to the at-risk young children and their families; 3. Infant and child care services; 4. Parenting skills training; 5. Education or training opportunities appropriate for the family; and 6. Economic support. Additional services may include, without limitation, alcohol and drug abuse treatment, mental health services, housing assistance, transportation, and nutrition services.

(4) **RULES FOR IMPLEMENTATION.** The Department of Health and Rehabilitative Services shall adopt rules necessary to implement this section.

History – s. 3, ch. 89-379; s. 100, ch. 96-175; s. 204, ch. 97-101; s. 98, ch. 2000-165; s. 23, ch. 2000-337. Note. The Department of Health and Rehabilitative Services was

redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

411.233 Dangers of shaking infants and young children; requirements for distributing brochures. –

- (1) Every hospital, birthing facility, and provider of home birth which has maternity and newborn services shall provide to the parents of a newborn, before they take their newborn home from the hospital or birthing facility, written information with an explanation concerning the dangers of shaking infants and young children.
- (2) The Department of Health shall prepare a brochure that describes the dangers of shaking infants and young children. The description must include information concerning the grave effects of shaking infants and young children, information concerning appropriate ways to manage the causes that can lead a person to shake infants and young children, and a discussion of ways to reduce the risks that can lead a person to shake infants and young children.
- (3) This section does not preclude a hospital, birthing facility, or a home birth provider from providing the notice required under this section as an addendum to, or in connection with, any other required information.
- (4) A cause of action does not accrue against the state or any subdivision or agency thereof or any hospital birthing facility or home-birth provider for failure to give or receive the information required under this section.

History – s. 2, ch. 2002-174.

Part IV – Childhood Pregnancy Prevention Public Education Program

411.24 Short title. – This part may be cited as the "Florida Education Now and Babies Later (ENABL) Act."

History – s. 2, ch. 95-321.

411.241 Legislative intent. – The Legislature finds and declares that childhood pregnancies continue to be a serious problem in the state. Therefore, the Legislature intends to establish, through a public-private partnership, a program to encourage children to abstain from sexual activity.

History – s. 2, ch. 95-321.

411.242 Florida Education Now and Babies Later (ENABL) program. –

- (1) CREATION. There is hereby created the Florida Education Now and Babies Later (ENABL) program for children and their families, with the goal of reducing the incidence of childhood pregnancies in this state by encouraging children to abstain from sexual activities. This program must provide a multifaceted, primary prevention, community health promotion approach to educating and supporting children in the decision to abstain from sexual involvement. The Department of

Health, in consultation with the Department of Education, Florida State University, and other appropriate agencies or associations, shall develop, implement, and administer the ENABL program.

(2) GOALS. The goal of the ENABL program is to encourage and assist boys and girls in this state to decide to abstain from engaging in sexual activity. The ENABL program is designed to reduce the incidence of childhood pregnancies; to increase the percentage of children graduating from school and becoming more productive citizens; to reduce the numbers of cocaine babies born in this state; to reduce the crime rate among these children as they grow up; to reduce the rate of school dropouts in this state; and to increase the basic skills and ability of the future workforce.

(3) ESSENTIAL ELEMENTS.

(a) The ENABL program should be directed to geographic areas in the state where the childhood birth rate is higher than the state average and where the children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of childhood pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of single mothers who receive temporary cash assistance, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, a community-based local contractor must demonstrate: 1. Its capacity to administer and coordinate the ENABL pregnancy prevention public education program and services for children and their families in a comprehensive manner and to provide a flexible range of age-appropriate educational services. 2. Its capacity to identify and serve those children least able to access existing pregnancy prevention public education programs. 3. Its capacity to administer and coordinate the ENABL programs and services in an intensive and continuous manner. 4. The proximity of its program to young children, parents, and other family members to be served by the ENABL program, or its ability to provide offsite educational services. 5. Its ability to incorporate existing federal, state, and local governmental educational programs and services in implementing the ENABL program. 6. Its ability to coordinate its activities and educational services with existing public and private state and local agencies and programs, such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all of the

foregoing intended to assist children and families at risk. 7.How its plan will involve project participants and community representatives in the planning and operation of the ENABL program. 8.Its ability to participate in the evaluation component required in this section. 9.Its consistency with the strategic plan pursuant to s. 411.221. 10.Its capacity to match state funding for the ENABL program at the rate of \$1 in cash or in matching services for each dollar funded by the state.

- (b) Any child whose parent or guardian presents to the community-based local contractor a signed statement that the child's participation in the ENABL program conflicts with the parent's or guardian's religious beliefs shall be exempt from such instruction. No child so exempt shall be penalized by reason of such exemption.
 - (c) While a flexible range of pregnancy prevention public education services is essential in the implementation of the ENABL program, the following educational services and activities must be considered essential core services to be offered by each community-based local contractor:
 - 1.Use of the postponing sexual involvement age-appropriate education curriculum targeted to boys and girls in schools or other community settings.
 - 2.Strategies to convey and reinforce the ENABL message of postponing childhood sexual involvement to the affected community, including activities promoting awareness and involvement of parents, schools, churches, and other community groups or organizations.
 - 3.Developing media linkages to publicize the purposes and goals of the ENABL program.
 - 4.A referral mechanism for children or their families who request or need other health or social services, which may include, without limitation, referral for alcohol and drug abuse treatment, mental health services, housing assistance, transportation, and nutrition services.
- (4) IMPLEMENTATION. The department must:
- (a) Implement the ENABL program using the criteria provided in this section. The department must evaluate, select, and monitor the two pilot projects to be funded initially. The following community-based local contractors may be selected among the first sites to be funded:
 - 1.A program based in a local school district, a county health department, or another unit of local government.
 - 2.A program based in a local, public or private, not-for-profit provider of services to children and their families.
 - (b) Provide technical assistance to each community-based local contractor, as necessary.
 - (c) Develop and implement the evaluation process.
 - (d) Explore and pursue federal and foundation funding possibilities, and specifically request the United States Department of Health

and Human Services to supplement the development and implementation of the ENABL program.

- (5) PUBLIC RELATIONS. The department shall develop a statewide comprehensive media and public relations campaign to promote changes in sexual attitudes and behaviors among children and reinforce the message of abstaining from sexual activity.
- (6) TRAINING. The department shall be responsible for developing a uniform training program for the community-based local contractors selected to implement the ENABL program.
- (7) EVALUATION. There shall be an independent third-party evaluation of the initial grants. The contract for the evaluation shall be entered into prior to the selection of the community-based local contractor, to ensure integrity of the evaluation design, ongoing monitoring and periodic review of progress, and a timely, comprehensive evaluation report. The evaluation report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees and subcommittees of the Legislature by January 1, 1999, and biennially thereafter. The report due by January 1, 2001, or 5 years after the startup of the initial prototype programs, whichever is later, shall include the first longitudinal report on participant outcomes.

History – s. 2, ch. 95-321; s. 101, ch. 96-175; s. 205, ch. 97-101; s. 197, ch. 99-8; s. 63, ch. 2000-153; s. 99, ch. 2000-165.

411.243 Teen Pregnancy Community Initiative. – Subject to the availability of funds, the Department of Health shall create a Teen Pregnancy Prevention Community Initiative. The purpose of this initiative is to create collaborative community partnerships to reduce teen pregnancy. Participating communities shall examine their needs and resources relative to teen pregnancy prevention and develop plans which provide for a collaborative approach to how existing, enhanced, and new initiatives together will reduce teen pregnancy in a community. Community incentive grants shall provide funds for communities to implement plans which provide for a collaborative, comprehensive, outcome-focused approach to reducing teen pregnancy.

- (1) The requirements of the community incentive grants are as follows:
 - (a) The goal required of all grants is to reduce the incidence of teen pregnancy. All grants must be designed and required to maintain the data to substantiate reducing the incidence of teen pregnancy in the targeted area in their community.
 - (b) The target population is teens through 19 years of age, including both males and females and mothers and fathers.
 - (c) Grants must target a specified geographic area or region, for which data can be maintained to substantiate the teen pregnancy rate.
 - (d) In order to receive funding, communities must demonstrate collaboration in the provision of existing and new teen pregnancy

- prevention initiatives. This collaboration shall include developing linkages to the health care, social services, and education systems.
- (e) Plans must be developed for how a community will reduce the incidence of teen pregnancy in a specified geographic area or region. These plans must include: 1.Provision for collaboration between existing and new initiatives for a comprehensive, well-planned, outcome-focused approach. All organizations involved in teen pregnancy prevention in the community must be involved in the planning and implementation of the community incentive grant initiative. 2.Provision in the targeted area or region for all of the components identified below. These components may be addressed through a collaboration of existing initiatives, enhancements, or new initiatives. Community incentive grant funds must address current gaps in the comprehensive teen pregnancy prevention plan for communities. a.Primary prevention components are: (I)Prevention strategies targeting males. (II)Role modeling and monitoring. (III)Intervention strategies targeting abused or neglected children. (IV)Human sexuality education. (V)Sexual advances protection education. (VI)Reproductive health care. (VII)Intervention strategies targeting younger siblings of teen mothers. (VIII)Community and public awareness. (IX)Innovative programs to facilitate prosecutions under s. 794.011, s. 794.05, or s. 800.04. b.Secondary prevention components are: (I)Home visiting. (II)Parent education, skill building, and supports. (III)Care coordination and case management. (IV)Career development. (V)Goal setting and achievement. Community plans must provide for initiatives which are culturally competent and relevant to the families' values.
- (2) The state shall conduct an independent process and outcome evaluation of all the community incentive grant initiatives. The evaluation shall be conducted in three phases: The first phase shall focus on process, including implementation and operation, to be reported on after the first year of operation; the second phase shall be an interim evaluation of the outcome, to be completed after the third year of operation; the third phase shall be a final evaluation of process, outcome, and achievement of the overall goal of reducing the incidence of teen pregnancy, to be completed at the end of the fifth year of operation.
- (3) The state shall provide technical assistance, training, and quality assurance to assist the initiative in achieving its goals.

History – s. 102, ch. 96-175; s. 198, ch. 99-8.

Florida Administrative Code – Chapter 60BB-8

Chapter 60BB-8 – Voluntary Prekindergarten Program Creating Rules 60BB-8.100, 60BB-8.200, 60BB-8.201, 60BB-8.202, 60BB-8.300, F.A.C.

60BB-8.100 Definitions. – As used in this chapter, the term:

- (1) “Absent” or “absence” means each instructional day that a student is not in attendance at the Voluntary Prekindergarten program.
- (2) “Attend” or “attendance” means each instructional day that a student is present at the Voluntary Prekindergarten program for all or part of that day’s instruction.
- (3) “Early Learning Coalition” or “Coalition” means an entity created by Section 411.01(5), F.S., whose membership is appointed pursuant to Section 411.01(5)(a)3., F.S., and whose function it is to coordinate the Voluntary Prekindergarten program with private providers and school districts at the local level.
- (4) “Eligibility and enrollment services” means registering children, conducting parent consultations, determining the eligibility of children, and enrolling children with providers or schools in the Voluntary Prekindergarten program.
- (5) “Enroll” or “enrollment” means recording an association in the statewide information system between a child who has been determined eligible for the Voluntary Prekindergarten program and the provider or school chosen by the child’s parent or guardian.
- (6) “Instructional day” means each calendar day recorded that a provider or school is scheduled to deliver instruction to a student’s Voluntary Prekindergarten class.
- (7) “Qualified contractor” means a legal entity operating under contract with an early learning coalition or AWI which is authorized to perform eligibility and enrollment services on behalf of the coalition or AWI. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.
- (8) “Register” or “registration” means recording a parent’s or guardian’s request for his or her child to be determined eligible to participate in the Voluntary Prekindergarten program.
- (9) “Startup period” means the first 5 instructional days of a Voluntary Prekindergarten class.
- (10) “Voluntary Prekindergarten” or “VPK” means the Voluntary Prekindergarten Education program created by Section 1002.53, F.S.

and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Art. IX of the State Constitution.

Specific Authority 1002.79 F.S. Law Implemented 1002.75 F.S. History–New 1-19-06.

60BB-8.200 Child Eligibility.

- (1) Child Eligibility. Early Learning Coalitions must determine child eligibility for the VPK program by verifying the child’s age eligibility, residence eligibility, and participation eligibility.
 - (a) Age Eligibility.
 1. All children who reside in Florida who have attained 4 years of age on or before September 1 of the school year in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a)(2005).
 2. When a child becomes eligible for kindergarten or is admitted to kindergarten the child is no longer eligible for VPK. A child who is 5 years of age on or before September 1 is eligible for kindergarten and is not eligible for VPK. Likewise, a child who has not attained 4 years of age by September 1 of a school year is not eligible for VPK during the school year or summer program that immediately follows.
 3. During the application process, a coalition or its contracting agency shall collect and retain in the child’s file a photocopy of at least one of the following documents for purposes of verifying age:
 - a. An original or certified copy of the child’s birth record filed according to law with a public officer charged with the duty of recording births;
 - b. An original or certified copy of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;
 - c. An insurance policy on the child’s life that has been in force for at least 2 years, which reflects the child’s birth date;
 - d. A religious record of the child’s birth accompanied by an affidavit sworn to by the parent;
 - e. A passport or certificate of arrival in the United States showing the birth date of the child;
 - f. A transcript of record of age shown in the child’s school record from at least 4 years prior to application, stating the date of birth;
 - g. An immunization record indicating the child’s date of birth, signed by a public health officer or by a licensed practicing physician;

- h. A valid military dependent identification card showing the child's date of birth; or
- i. If none of the documents listed above can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age reflecting the child's birth date, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

(b) Residence eligibility.

- 1. All 4 year old children must reside in the State of Florida. Coalitions must only establish where the child lives, not test the legal residency of the child. Children who reside in Florida are qualified to receive services.
- 2. The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI-VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following documents for purposes of verifying residency:
 - a. Utility bill;
 - b. Bank statement;
 - c. Insurance policy;
 - d. Pay stub; or
 - e. Government document (e.g., prior tax return, Florida Driver's license); or
 - f. If none of the above documents can be produced, an affidavit of physical address sworn to by the parent, accompanied by a letter from a landlord or property owner stating that the child resides at this address will be accepted.
- 3. A homeless child, as defined in Section 1003.01, F.S., must have access to the VPK program. Coalitions shall assist homeless children and may determine residency based on other documentation as necessary. Coalitions may accept documents such as a letter from a homeless shelter or a sworn affidavit from the parent certifying the child is currently homeless.

(c) Participation eligibility.

- 1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in Section 1002.71(4), F.S. 2. A parent may enroll the child in one of the programs as established in Section 1002.53(3), F.S.

Specific Authority 1002.79 F.S. Law Implemented 1002.53(2),(3), (4)(b), 1002.69(4), 1002.71(2), (4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. F.S. History–New 1-19-06.

60BB-8.201 Parent Application and Procedures.

- (1) Application. A parent wishing to enroll his or her child in the VPK Education Program must fill out form AWI-VPK 01 (Parent Application), version date 05/13/2005, which is hereby incorporated by reference. This application must be completed to determine whether a child is eligible for the VPK Program. The application must be completed in full by a parent or guardian with whom the child lives.
- (2) Availability of forms and submission. A parent may also complete this application online at www.vpkflorida.org, or obtain a paper application from any early learning coalition. If a paper form is used, the parent must mail or deliver the completed paper form to the early learning coalition of the county in which the child will receive services. This may be the county where the parent lives, where the parent works, or a neighboring county. Contact information for a county’s early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org.
- (3) Documentation of Child’s Residency and Date of Birth. Within 30 days after receiving an application, the early learning coalition will contact the parent with instructions on how to submit the documentation of the child’s residency and date of birth in accordance with Rule 60BB-8.202, F.A.C.

Specific Authority 1002.79 F.S. Law Implemented 1002.53(4), 1002.75(2)(a) F.S. History–New 1-19-06.

60BB-8.202 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment.

- (1) Early learning coalitions shall follow the following procedures for registration, eligibility determination, and enrollment of children in the VPK program:
 - (a) Registration. A parent or guardian registering his or her child for the VPK program must either register online at www.vpkflorida.org or complete Form AWI-VPK 01 (Parent Application) and submit the completed form to the early learning coalition or its qualified contractor.
 - (b) Eligibility determination.
 1. An early learning coalition or its qualified contractor shall determine, in accordance with Rule 60BB-8.200, F.A.C., the eligibility of each child. If a parent consultation is required under subparagraph (b)2. below, the eligibility determination shall be performed during the consultation. The parent or guardian must submit to the coalition or its qualified contractor the documentation of the child’s age and

residence required by Rule 60BB-8.200, F.A.C. Upon determining that a child is eligible for the VPK program, the coalition or its qualified contractor must give the child's parent or guardian a Form AWI-VPK 02 (Certificate of Eligibility) version date 05/16/2005, which is hereby incorporated by reference, either completed by the coalition or its qualified contractor as a paper form or as an electronically generated and printed form.

2. Parent consultation.

- a. Except as provided in sub-subparagraph (b)2.b. below, staff of the early learning coalition or its qualified contractor must perform a face-to-face consultation in person with the parent or guardian of every child that registers for the VPK program. During the consultation, the coalition's or contractor's staff shall determine the child's eligibility for the VPK program. If the child is eligible, the coalition's or contractor's staff shall give the parent or guardian profiles of providers or schools in accordance with Section 1002.53(5), F.S., describe the available program options, and explain the parent's or guardian's rights and responsibilities.
- b. Notwithstanding sub-subparagraph (b)2.a. above, an early learning coalition is not required to perform a face-to-face parent consultation for a child if the coalition's staff or its qualified contractor's staff previously conducted a face-to-face consultation with the child's parent or guardian for another early learning program (e.g., school readiness program or program for prekindergarten children with disabilities), the coalition or its contractor maintains the child's records for the other early learning program, and the coalition or its contractor verifies against those records the completed Form AWI-VPK 01 (Parent Application) and supporting documentation submitted by the parent or guardian.

- (c) Enrollment. To complete a child's enrollment, the private prekindergarten provider or public school must submit the child's name and certificate number (from Form AWI-VPK 02 - Certificate of Eligibility) to the coalition or its qualified contractor, associating the child in the designated statewide information system with the provider's or school's appropriate VPK class. Each early learning coalition is encouraged, but not required, to notify a parent or guardian by U.S. Mail after the enrollment of his or her child with the provider's or school class is completed in the designated statewide information system.

Specific Authority 1002.79 F.S. Law Implemented 1002.53(4)(a), 1002.75(2)(a) F.S. History—New 1-19-06.

60BB-8.300 Provider Application and Procedures.

- (1) Application. A private provider or public school interested in delivering the VPK Program must complete an application Form AWI-VPK 10 (Statewide Provider Registration Application), version date 04/29/2005, which is hereby incorporated by reference. Completing the application does not guarantee approval to deliver the VPK program.
- (2) Completing the application form. This application is available electronically as an editable form in Adobe® Portable Document Format (PDF) at www.vpkflorida.org. The form is also available from any early learning coalition as a paper form. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. An application may be completed by:
 - (a) Using Adobe® Reader® to edit the form fields on a computer and printing a paper copy for submission; or
 - (b) Using a blank paper form and completing it by typing or printing clearly in black or blue ink.
- (3) Submitting the application. The provider shall mail or deliver the completed application to the early learning coalition in the county in which its VPK site is located. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. This form must be submitted with all required attachments.
- (4) Notification of application completion. The early learning coalition in the county in which the provider is located will notify the provider if the provider or school is provisionally eligible to deliver VPK, or if any additional information is necessary, within 30 days after receipt of the application. Each provisionally eligible provider or school must also complete Form AWI-VPK 11 (2005-2006 Class Registration Application) version date 04/29/2005, which is hereby incorporated by reference. Once the provider has submitted all of the required information, the early learning coalition will notify it in writing whether the provider or school is eligible to deliver the VPK program.

Specific Authority: Section 1002.79, F.S. Law Implemented: Sections 1002.61 and 1002.75(2)(c), F.S. History-New 1-19-06.

Department of Children & Families



Florida Statutes – Title 29 – Chapter 402 – Sections 402.26-402.319

**Chapter 402 – Health and human services: miscellaneous provisions
Sections 402.26-402.319 – Child Care**

402.26 Child care; legislative intent. –

- (1) The Legislature recognizes the critical importance to the citizens of the state of both safety and quality in child care. Child care in Florida is in the midst of continuing change and development, driven by extraordinary changes in demographics. Many parents with children under age 6 are employed outside the home. For the majority of Florida's children, child care will be a common experience. For many families, child care is an indispensable part of the effort to meet basic economic obligations or to make economic gains. State policy continues to recognize the changing composition of the labor force and the need to respond to the concerns of Florida's citizens as they enter the child care market. In particular, the Legislature recognizes the need to have more working parents employed in family-friendly workplaces. In addition, the Legislature recognizes the abilities of public and private employers to assist the family's efforts to balance family care needs with employment opportunities.
- (2) The Legislature also recognizes the effects of both safety and quality in child care in reducing the need for special education, public assistance, and dependency programs and in reducing the incidence of delinquency and educational failure. In a budgetary context that spends billions of dollars to address the aftermath of bad outcomes, safe, quality child care is one area in which the often maligned concept of cost-effective social intervention can be applied. It is the intent of the Legislature, therefore, that state policy should be firmly embedded in the recognition that child care is a voluntary choice of the child's parents. For parents who choose child care, it is the intent of the Legislature to protect the health and welfare of children in care.
- (3) To protect the health and welfare of children, it is the intent of the Legislature to develop a regulatory framework that promotes the growth and stability of the child care industry and facilitates the safe physical, intellectual, motor, and social development of the child.
- (4) It is also the intent of the Legislature to promote the development of child care options in the private sector and disseminate information that will assist the public in determining appropriate child care options.
- (5) It is the further intent of the Legislature to provide and make accessible child care opportunities for children at risk, economically disadvantaged children, and other children traditionally disenfranchised

from society. In achieving this intent, the Legislature shall develop a subsidized child care system, a range of child care options, support services, and linkages with other programs to fully meet the child care needs of this population.

- (6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.

History – s. 32, ch. 90-306; s. 70, ch. 96-175; s. 4, ch. 99-304.

402.27 Child care and early childhood resource and referral. – The Department of Children and Family Services shall establish a statewide child care resource and referral network. Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service, the Department of Children and Family Services shall select the resource information agency based upon a request for proposal. At least one child care resource and referral agency must be established in each district of the department, but no more than one may be established in any county. Child care resource and referral agencies shall provide the following services:

- (1) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services. These services may include family day care, public and private child care programs, head start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the WAGES Program, and related family support services. The resource file shall include, but not be limited to:
 - (a) Type of program.
 - (b) Hours of service.
 - (c) Ages of children served.
 - (d) Number of children served.
 - (e) Significant program information.
 - (f) Fees and eligibility for services.
 - (g) Availability of transportation.
- (2) The establishment of a referral process which responds to parental need for information and which is provided with full recognition of the confidentiality rights of parents. Resource and referral programs shall make referrals to licensed child care facilities. Referrals shall be made

to an unlicensed child care facility or arrangement only if there is no requirement that the facility or arrangement be licensed.

- (3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral agencies:
 - (a) Number of calls and contacts to the child care information and referral agency component by type of service requested.
 - (b) Ages of children for whom service was requested.
 - (c) Time category of child care requests for each child.
 - (d) Special time category, such as nights, weekends, and swing shift.
 - (e) Reason that the child care is needed.
 - (f) Name of the employer and primary focus of the business.
- (4) Provision of technical assistance to existing and potential providers of child care services. This assistance may include:
 - (a) Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.
 - (b) Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.
 - (c) Information and incentives which could help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community, through contractual or other funding arrangements with businesses.
- (5) Assistance to families and employers in applying for various sources of subsidy including, but not limited to, subsidized child care, head start, prekindergarten early intervention programs, Project Independence, private scholarships, and the federal dependent care tax credit.
- (6) Assistance to state agencies in determining the market rate for child care.
- (7) Assistance in negotiating discounts or other special arrangements with child care providers.
- (8) Information and assistance to local interagency councils coordinating services for prekindergarten handicapped children.
- (9) Assistance to families in identifying summer recreation camp and summer day camp programs and in evaluating the health and safety qualities of summer recreation camp and summer day camp programs and in evaluating the health and safety qualities of summer camp programs. Contingent upon specific appropriation, a checklist of important health and safety qualities that parents can use to choose their summer camp programs shall be developed and distributed in a

manner that will reach parents interested in such programs for their children.

- (10) A child care facility licensed under s. 402.305 and licensed and registered family day care homes must provide the statewide child care and resource and referral agencies with the following information annually:
 - (a) Type of program.
 - (b) Hours of service.
 - (c) Ages of children served.
 - (d) Fees and eligibility for services.

History – s. 5, ch. 89-379; s. 6, ch. 91-300; s. 71, ch. 96-175; s. 143, ch. 99-8; s. 13, ch. 2000-253.

402.281 Gold Seal Quality Care program. –

- (1) Child care facilities, large family child care homes, or family day care homes that are accredited by a nationally recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission shall receive a separate "Gold Seal Quality Care" designation to operate as a gold seal child care facility, large family child care home, or family day care home.
- (2) In developing the Gold Seal Quality Care program standards, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the State Coordinating Council for School Readiness Programs, the Early Childhood Association of Florida, the National Association for Child Development Education, providers receiving exemptions under s. 402.316, and parents, for the purpose of approving the accrediting associations.

History – s. 72, ch. 96-175; s. 5, ch. 99-304; s. 17, ch. 2000-337; s. 26, ch. 2001-170.

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

- (1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.
- (2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

- (3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.
- (4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.
- (5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.
- (6) It is further the intent that membership organizations affiliated with national organizations which do not provide child care, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures shall not be considered child care facilities and therefore, their personnel shall not be required to be screened.
- (7) It shall be the policy of the state to encourage child care providers to serve children with disabilities. When requested, the department shall provide technical assistance to parents and child care providers in order to facilitate serving children with disabilities.

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

402.3016 Early Head Start collaboration grants. –

- (1) Contingent upon specific appropriations, the Agency for Workforce Innovation shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.
- (2) Public and private nonprofit agencies providing Early Head Start programs applying for collaborative grants must:
 - (a) Ensure quality performance by meeting the requirements in the Head Start program performance standards and other applicable rules and regulations;

- (b) Ensure collaboration with other service providers at the local level;
and
 - (c) Ensure that a comprehensive array of health, nutritional, and other services are provided to the program's pregnant women and very young children, and their families.
- (3) The Agency for Workforce Innovation shall report to the Legislature on an annual basis the number of agencies receiving Early Head Start collaboration grants and the number of children served.
- (4) The Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

History – s. 7, ch. 99-304; s. 8, ch. 2004-484.

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program. –

- (1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.
- (2) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.
- (3) The department shall adopt rules as necessary to implement this section.
- (4) For the 2005-2006 fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2006.

History – s. 15, ch. 2000-253; ss. 55, 79, ch. 2002-402; s. 73, ch. 2003-399; s. 55, ch. 2004-269; s. 40, ch. 2005-71. Note. A.Section 40, ch. 2005-71, amended s. 402.3017 "in order to implement proviso language in Specific Appropriation 2162G of the 2005-2006 General Appropriations Act." Some proviso language relating to this appropriation was vetoed. See ch. 2005-70, the 2005-2006 General Appropriations Act. B.Section 54, ch. 2005-71, provides that "a section of this act that implements a specific appropriation or specifically identified proviso language in the 2005-2006 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2005-2006 General Appropriations Act is void if all the

specific appropriations or portions of specifically identified proviso language are vetoed." Not all portions of specifically identified proviso language relating to the amendment of s. 402.3017 were vetoed.

402.3018 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues. –

- (1) Contingent upon specific appropriations, the department is directed to contract with the statewide resource information and referral agency for a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.
- (2) The purpose of the Warm-Line is to provide advice to child care personnel concerning strategies, curriculum, and environmental adaptations that allow a child to derive maximum benefit from the child care experience.
- (3) The department shall inform child care centers and family day care homes of the availability of this service, on an annual basis.
- (4) Contingent upon specific appropriations, the department shall expand or contract for the expansion of the Warm-Line from one statewide site to one Warm-Line site in each child care resource and referral agency region.
- (5) Each regional Warm-Line shall provide assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care centers and family day care homes with inquiries relative to the strategies, curriculum, and environmental adaptations the child care centers and family day care homes may need as they serve children with disabilities and other special needs.

History – s. 13, ch. 99-304.

402.302 Definitions. –

- (1) "Child care" means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.
- (2) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant

for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;
 - (b) Summer camps having children in full-time residence;
 - (c) Summer day camps;
 - (c) Bible schools normally conducted during vacation periods; and
 - (d) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.
- (3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in Head Start. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years shall not be required to be fingerprinted but shall be screened for delinquency records. For purposes of screening, the term shall also include persons who work in child care programs which provide care for children 15 hours or more each week in public or nonpublic schools, summer day camps, family day care homes, or those programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "personnel" for the purposes of screening and training, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(2). Students who observe and participate in a child care facility as a part of their required coursework shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and the students are under direct and constant supervision of child care personnel.
- (4) "Department" means the Department of Children and Family Services.
- (5) "Drop-in child care" means child care provided occasionally in a child care facility in a shopping mall or business establishment where a child

is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted.

- (6) "Evening child care" means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts.
- (7) "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:
 - (a) A maximum of four children from birth to 12 months of age.
 - (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
 - (c) A maximum of six preschool children if all are older than 12 months of age.
 - (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.
- (8) "Large family child care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:
 - (a) A maximum of 8 children from birth to 24 months of age.
 - (b) A maximum of 12 children, with no more than 4 children under 24 months of age.
- (9) "Indoor recreational facility" means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child care facility under s. 402.305, but is exempt from the minimum outdoor-square-footage-per-

child requirement specified in that section, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space.

- (10) "Local licensing agency" means any agency or individual designated by the county to license child care facilities.
- (11) "Operator" means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility.
- (12) "Owner" means the person who is licensed to operate the child care facility.
- (13) "Screening" means the act of assessing the background of child care personnel and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation; except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different, and statewide criminal records correspondence checks through the Department of Law Enforcement.
- (14) "Secretary" means the Secretary of Children and Family Services.
- (15) "Substantial compliance" means that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance.
- (16) "Weekend child care" means child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

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

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

(1) PUBLIC SCHOOLS.

- (a) The following programs for children shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319: 1. Programs for children in 5-year-old kindergarten and

- grades one or above. 2. Programs for children who are at least 3 years of age, but who are under 5 years of age, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education. 3. Programs for children under 3 years of age who are eligible for participation in the programs under the existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.
- (b) The following programs for children shall be deemed to be child care and shall be subject to the provisions of ss. 402.301-402.319:
 - 1. Programs for children who are under 5 years of age when the programs are not operated and staffed directly by the schools.
 - 2. Programs for children under 3 years of age who are not eligible for participation in the programs under existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No. 99-457.
 - (c) The State Board of Education shall adopt rules to implement this subsection, including standards for programs in subparagraphs (a)2. and 3., which recognize the vulnerability of children under 5 years of age and make special provisions to ensure their health and safety. Such rules shall include, but not be limited to, facilities, personnel staffing and qualifications, transportation, and health and safety practices. In preparing such rules, the Commissioner of Education shall review the standards already existing in the state and the recommendations of appropriate professional and accreditation agencies.
 - (d) The monitoring and enforcement of compliance with age-appropriate standards established by rule of the State Board of Education shall be the responsibility of the Department of Education.
- (2) NONPUBLIC SCHOOLS.
- (a) Programs for children under 3 years of age shall be deemed to be child care and subject to the provisions of ss. 402.301-402.319.
 - (b) Programs for children in 5-year-old kindergarten and grades one or above shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319.
 - (c) Programs for children who are at least 3 years of age, but under 5 years of age, shall not be deemed to be child care and shall not be subject to the provisions of ss. 402.301-402.319 relating to child care facilities, provided the programs in the schools are operated and staffed directly by the schools, provided a majority of the children enrolled in the schools are 5 years of age or older, and provided there is compliance with the screening requirements for personnel pursuant to s. 402.305 or s. 402.3057. A nonpublic school may designate certain programs as child care, in which case

these programs shall be subject to the provisions of ss. 402.301-402.319.

- (d) 1. Programs for children who are at least 3 years of age, but under 5 years of age, which are not licensed under ss. 402.301-402.319 shall substantially comply with the minimum child care standards promulgated pursuant to ss. 402.305-402.3057. 2. The department or local licensing agency shall enforce compliance with such standards, where possible, to eliminate or minimize duplicative inspections or visits by staff enforcing the minimum child care standards and staff enforcing other standards under the jurisdiction of the department. 3. The department or local licensing agency may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes: a. To protect the health, sanitation, safety, and well-being of all children under care. b. To enforce its rules and regulations. c. To use corrective action plans, whenever possible, to attain compliance prior to the use of more restrictive enforcement measures. d. To make application for injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of ss. 402.301-402.319. Any violation of this section or of the standards applied under ss. 402.305-402.3057 which threatens harm to any child in the school's programs for children who are at least 3 years of age, but are under 5 years of age, or repeated violations of this section or the standards under ss. 402.305-402.3057, shall be grounds to seek an injunction to close a program in a school. e. To impose an administrative fine, not to exceed \$100, for each violation of the minimum child care standards promulgated pursuant to ss. 402.305-402.3057. 4. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to: a. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or b. Use information from the criminal records obtained under s. 402.305 or s. 402.3055 for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections. 5. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under s. 402.305 or s. 402.3055 for any purpose other than screening for

employment as specified in those sections or to release information from such records to any other person for any purpose other than screening for employment as specified in those sections.

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

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

History – s. 3, ch. 88-391; s. 1, ch. 89-296; s. 35, ch. 90-347; ss. 1, 2, ch. 93-115; s. 94, ch. 2000-349.

402.3026 Full-service schools. –

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

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

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

402.3045 Requirement for distinguishable definitions of child care. – The Department of Children and Family Services shall adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure.

History – s. 5, ch. 2003-131.

402.305 Licensing standards; child care facilities. –

(1) **LICENSING STANDARDS.** The department shall establish licensing standards that each licensed child care facility must meet regardless of

the origin or source of the fees used to operate the facility or the type of children served by the facility.

- (a) The standards shall be designed to address the following areas:
 - 1. The health, sanitation, safety, and adequate physical surroundings for all children in child care.
 - 2. The health and nutrition of all children in child care.
 - 3. The child development needs of all children in child care.
 - (b) All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the State Board of Education, as the minimum standard for fire safety.
 - (c) The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that different age groups of children may require different standards. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children. The department shall also adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure. Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.
- (2) PERSONNEL. Minimum standards for child care personnel shall include minimum requirements as to:
- (a) Good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter.
 - (b) The department may grant exemptions from disqualification from working with children or the developmentally disabled as provided in s. 435.07.
 - (c) Minimum age requirements. Such minimum standards shall prohibit a person under the age of 21 from being the operator of a child care facility and a person under the age of 16 from being employed at such facility unless such person is under direct supervision and is not counted for the purposes of computing the personnel-to-child ratio.
 - (d) Minimum training requirements for child care personnel. 1. Such minimum standards for training shall ensure that all child care personnel take an approved 40-clock-hour introductory course in

child care, which course covers at least the following topic areas:

- a.State and local rules and regulations which govern child care.
- b.Health, safety, and nutrition.
- c.Identifying and reporting child abuse and neglect.
- d.Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- e.Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.
- f.Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators and child care personnel of a child care facility. Within 90 days after employment, child care personnel shall begin training to meet the training requirements. Child care personnel shall successfully complete such training within 1 year after the date on which the training began, as evidenced by passage of a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations. Child care personnel possessing a 2-year degree or higher that includes 6 college credit hours in early childhood development or child growth and development, or a child development associate credential or an equivalent state-approved child development associate credential, or a child development associate waiver certificate shall be automatically exempted from the training requirements in sub-subparagraphs b., d., and e.

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

3.The introductory course shall cover recognition and prevention of shaken baby syndrome, prevention of sudden infant death syndrome, and early childhood brain development within the topic areas identified in this paragraph.

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

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

required in subparagraph 4. 6. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and career programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department. 7. Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors. 8. The department shall evaluate or contract for an evaluation for the general purpose of determining the status of and means to improve staff training requirements and testing procedures. The evaluation shall be conducted every 2 years. The evaluation shall include, but not be limited to, determining the availability, quality, scope, and sources of current staff training; determining the need for specialty training; and determining ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training. The evaluation methodology shall include a reliable and valid survey of child care personnel. 9. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

- (e) Periodic health examinations.
 - (f) By January 1, 2000, a credential for child care facility directors. By January 1, 2004, the credential shall be a required minimum standard for licensing.
 - (g) The Department of Children and Family Services shall provide at least one Child Care Competency Exam in Spanish during the 2005-2006 fiscal year. This paragraph expires July 1, 2006.
- (3) MINIMUM STAFF CREDENTIALS. By July 1, 1996, for every 20 children in a licensed child care facility, if the facility operates 8 hours or more per week, one of the child care personnel in the facility must have:
- (a) A child development associate credential;
 - (b) A child care professional credential, unless the department determines that such child care professional credential is not equivalent to or greater than a child development associate credential; or
 - (c) A credential that is equivalent to or greater than the credential required in paragraph (a) or paragraph (b). The department shall establish by rule those hours of operation, such as during rest

periods and transitional periods, when this subsection does not apply.

(4) STAFF-TO-CHILDREN RATIO.

- (a) Minimum standards for the care of children in a licensed child care facility as established by rule of the department must include: 1. For children from birth through 1 year of age, there must be one child care personnel for every four children. 2. For children 1 year of age or older, but under 2 years of age, there must be one child care personnel for every six children. 3. For children 2 years of age or older, but under 3 years of age, there must be one child care personnel for every 11 children. 4. For children 3 years of age or older, but under 4 years of age, there must be one child care personnel for every 15 children. 5. For children 4 years of age or older, but under 5 years of age, there must be one child care personnel for every 20 children. 6. For children 5 years of age or older, there must be one child care personnel for every 25 children. 7. When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group with the largest number of children within the group.
- (b) This subsection does not apply to nonpublic schools and their integral programs as defined in s. 402.3025(2)(d)1. In addition, an individual participating in a community service work experience activity under s. 445.024(1)(d), or a work experience activity under s. 445.024(1)(e), at a child care facility may not be considered in calculating the staff-to-children ratio.

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

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

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

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

- (b) A child care facility that does not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility must have a minimum of 35 square feet of usable floor space for each child and a minimum of 45 square feet of usable outdoor play area for each child. The minimum standard for outdoor play area does not apply in calculating square footage for children under 1 year of age. However, appropriate outdoor infant equipment shall be substituted for outdoor play space. The centers shall provide facilities and equipment conducive to the physical activities appropriate for the age and physical development of the child.

(7) SANITATION AND SAFETY.

- (a) Minimum standards shall include requirements for sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards shall require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.
- (b) In the case of a child care program for school-age children attending before and after school programs on the public school site, the department shall use the public school fire code, as adopted in the rules of the State Board of Education, as the minimum standard for firesafety. In the case of a child care program for school-age children attending before-school and after-school programs on a site operated by a municipality, the department shall adopt rules for such site and intended use.
- (c) Some type of communications system, such as a pocket pager or beeper, shall be provided to a parent whose child is in drop-in child care to ensure the immediate return of the parent to the child, if necessary.

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

(9) ADMISSIONS AND RECORDKEEPING.

- (a) Minimum standards shall include requirements for preadmission and periodic health examinations, requirements for immunizations,

and requirements for maintaining emergency information and health records on all children.

- (b) Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health examinations and requirements for medically signed records of immunization required for child care facilities shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.
 - (c) Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.
- (10) **TRANSPORTATION SAFETY.** Minimum standards shall include requirements for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children, requirements for annual inspections of the vehicles, limitations on the number of children in the vehicles, and accountability for children being transported.
- (11) **ACCESS.** Minimum standards shall provide for reasonable access to the child care facility by the custodial parent or guardian during the time the child is in care.
- (12) **CHILD DISCIPLINE.**
- (a) Minimum standards for child discipline practices shall ensure that age-appropriate, constructive disciplinary practices are used for children in care. Such standards shall include at least the following requirements: 1.Children shall not be subjected to discipline which is severe, humiliating, or frightening. 2.Discipline shall not be associated with food, rest, or toileting. 3.Spanking or any other form of physical punishment is prohibited.
 - (b) Prior to admission of a child to a child care facility, the facility shall notify the parents in writing of the disciplinary practices used by the facility.
- (13) **PLAN OF ACTIVITIES.** Minimum standards shall ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child. The written plan must include a program, to be implemented periodically for children of an appropriate age, which will assist the children in preventing and avoiding physical and mental abuse.

- (14) URBAN CHILD CARE FACILITIES. Minimum standards shall include requirements for child care facilities located in urban areas. The standards must allow urban child care facilities to substitute indoor play space for outdoor play space, if outdoor play space is not available in the area, and must set forth additional requirements that apply to a facility which makes that substitution, including, but not limited to, additional square footage requirements for indoor space; air ventilation provisions; and a requirement to provide facilities and equipment conducive to physical activities appropriate for the age of the children.
- (15) TRANSITION PERIODS. During the periods of time in which children are arriving and departing from the child care facility, notwithstanding local fire ordinances, the provisions of subsection (6) are suspended for a period of time not to exceed 30 minutes.
- (16) EVENING AND WEEKEND CHILD CARE. Minimum standards shall be developed by the department to provide for reasonable, affordable, and safe evening and weekend child care. Each facility offering evening or weekend child care must meet these minimum standards, regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility. The department may modify by rule the licensing standards contained in this section to accommodate evening child care.
- (17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY ILL CHILDREN. Minimum standards shall be developed by the department, in conjunction with the Department of Health, for specialized child care facilities for the care of mildly ill children. The minimum standards shall address the following areas: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of "mildly ill children"; sanitation and safety; admission and recordkeeping; dispensing of medication; and a schedule of activities.
- (18) TRANSFER OF OWNERSHIP.
 - (a) One week prior to the transfer of ownership of a child care facility or family day care home, the transferor shall notify the parent or caretaker of each child of the impending transfer.
 - (b) The department shall, by rule, establish methods by which notice will be achieved and minimum standards by which to implement this subsection.

History – s. 5, ch. 74-113; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 1, 6, 7, ch. 83-248; s. 3, ch. 84-551; s. 24, ch. 85-54; s. 41, ch. 87-225; s. 23, ch. 87-238; s. 25, ch. 89-379; s. 2, ch. 90-35; s. 2, ch. 90-225; s. 35, ch. 90-306; s. 10, ch. 91-33; s. 28, ch. 91-57; s. 92, ch. 91-221; s. 2, ch. 91-300; s. 56, ch. 92-58; ss. 1, 2, ch. 93-115; s. 14, ch. 93-156; s. 22, ch. 94-134; s. 22, ch. 94-135; s. 1060, ch. 95-148; s. 18, ch. 95-152; s. 15, ch. 95-158; s. 22, ch. 95-195; s. 41, ch. 95-228; s. 131, ch. 95-418; ss. 76, 77, ch. 96-175; s. 12, ch. 96-268; s. 2, ch. 97-63; s. 2, ch. 98-165; s. 1, ch. 99-241; s. 10, ch. 99-

304; s. 164, ch. 2000-165; s. 19, ch. 2000-253; s. 18, ch. 2000-337; ss. 21, 26, ch. 2001-170; s. 2, ch. 2002-300; s. 40, ch. 2003-1; s. 1, ch. 2003-131; s. 3, ch. 2003-146; s. 10, ch. 2004-41; s. 1, ch. 2004-49; s. 58, ch. 2004-267; s. 15, ch. 2004-269; s. 32, ch. 2004-357; s. 7, ch. 2005-71. Note. Section 7, ch. 2005-71, amended paragraph (2)(g) "in order to implement Specific Appropriation 272 of the 2005-2006 General Appropriations Act."

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

History – s. 4, ch. 2002-300.

402.3051 Child care market rate reimbursement; child care grants. –

- (1) As used in this section, the term:
 - (a) "Child care program assessment tool" means an assessment instrument designated or developed by the department to determine quality child care and other child development services to children under the provision of s. 402.3015, Title IV-A of the Social Security Act, and the Child Care and Development Block Grant Act of 1990.
 - (b) "Market rate" means the price that a child care provider charges for daily, weekly, or monthly child care services. Market rate shall:
 1. Be established for licensed child care facilities or facilities that are not subject to s. 402.305, licensed or registered family day care homes, licensed before-school and after-school child care programs, and unregulated care provided by a relative or other caretaker.
 2. Differentiate among child care for children with special needs or risk categories, infants, toddlers, and preschool and school-age children.
 3. Differentiate between full-time and part-time care.
 4. Consider reductions in the cost of care for additional children in the same family.
 - (c) "Prevailing market rate" means the annually determined 75th percentile of a reasonable frequency distribution of market rate in a predetermined geographic market at which licensed child care providers charge a person for child care services.
- (2) The department shall establish procedures to reimburse licensed, exempt, or registered child care providers who hold a Gold Seal Quality Care designation at the market rate for child care services for children who are eligible to receive subsidized child care; and licensed, exempt, or registered child care providers at the prevailing market rate for child care services for children who are eligible to receive subsidized child care, unless prohibited by federal law under s. 402.3015. The department shall establish procedures to reimburse providers of unregulated child care at not more than 50 percent of the

market rate. The payment system may not interfere with the parents' decision as to the appropriate child care arrangement, regardless of the level of available funding for child care. The child care program assessment tool may not be used to determine reimbursement rates.

- (3) The department may provide child care grants to central agencies, community colleges, and career programs for the purpose of providing support and technical assistance to licensed child care providers.
- (4) The department may use the state community child care coordination agencies (central agencies), community colleges, and career programs to implement this section.
- (5) The department may adopt rules and other policy provisions necessary to implement this section.
- (6) This section shall be implemented only to the extent that funding is available.

**History – s. 4, ch. 91-300; s. 78, ch. 96-175; s. 11, ch. 99-304; s. 33, ch. 2004-357.
Note.Repealed by s. 26, ch. 2001-170.**

402.3054 Child enrichment service providers. –

- (1) For the purposes of this section, "child enrichment service provider" means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children during a specific time that is not part of the regular program in a child care facility.
- (2) The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the child care facility. A child enrichment service provider receives compensation from the child's parent or from the child care facility and shall not be considered a volunteer or child care personnel.
- (3) A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a child care facility. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel.

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

402.3055 Child care personnel requirements. –

- (1) REQUIREMENTS FOR CHILD CARE PERSONNEL.
 - (a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has

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

- (b) The child care facility employer shall require that the application for a child care personnel position contain a question that specifically asks the applicant if he or she has ever worked in a facility that has had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant shall attest to the accuracy of the information requested under penalty of perjury. If the applicant admits that he or she has been a party in such action, the employer shall review the nature of the denial, suspension, revocation, disciplinary action, or fine before the applicant is hired.
- (2) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS PROVIDED.
- (a) The department or local licensing agency shall deny, suspend, or revoke a license or pursue other remedies provided in s. 402.310, s. 402.312, or s. 402.319 in addition to or in lieu of denial, suspension, or revocation for failure to comply with this section. The disciplinary actions determination to be made by the department or the local licensing agency and the procedure for hearing for applicants and licensees shall be in accordance with s. 402.310.
 - (b) When the department or the local licensing agency has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or other child care program and the child care personnel affected, stating the specific record which indicates noncompliance with the standards in s. 402.305(2).
 - (c) When the department is the agency initiating the statement regarding noncompliance, the procedures established for hearing under chapter 120 shall be available to the applicant, licensee, or other child care program and to the affected child care personnel, in order to present evidence relating either to the accuracy of the

basis of exclusion or to the denial of an exemption from disqualification.

- (d) When a local licensing agency is the agency initiating the statement regarding noncompliance of an employee with the standards contained in s. 402.305(2), the employee, applicant, licensee, or other child care program has 15 days from the time of written notification of the agency's finding to make a written request for a hearing. If a request for a hearing is not received in that time, the permanent employee, applicant, licensee, or other child care program is presumed to accept the finding.
- (e) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.
- (f) An employee, applicant, licensee, or other child care program shall have the right to appeal a finding of the local licensing agency to a representative of the department. Any required hearing shall be held in the county in which the permanent employee is employed. The hearing shall be conducted in accordance with the provisions of chapter 120.
- (g) Refusal on the part of an applicant or licensee to dismiss child care personnel who have been found to be in noncompliance with personnel standards of s. 402.305(2) shall result in automatic denial or revocation of the license in addition to any other remedies pursued by the department or local licensing agency.

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

402.3057 Persons not required to be re-fingerprinted or re-screened. – Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6), shall not be required to be re-fingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

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

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

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

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

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

402.307 Approval of licensing agency. –

- (1) Within 30 days after the promulgation of state minimum standards, each county shall provide the department with a copy of its standards if they differ from the state minimum standards. At the same time, each county shall provide the department with the administrative procedures it intends to use for the licensing of child care facilities.
- (2) The department shall have the authority to determine if local standards meet or exceed state minimum standards. Within 60 days after the county has submitted its standards and procedures, the department, upon being satisfied that such standards meet or exceed state minimum standards and that there is compliance with all provisions of ss. 402.301-402.319, shall approve the local licensing agency.
- (3) Approval to issue licenses for the department shall be renewed annually. For renewal, the local licensing agency shall submit to the department a copy of the licensing standards and procedures applied. An onsite review may be made if deemed necessary by the department.
- (4) If, following an onsite review, the department finds the local licensing agency is not applying the approved standards, the department shall report the specific violations to the county commission of the involved county which shall investigate the violations and take whatever action necessary to correct them.
- (5) To ensure that accurate statistical data are available, each local licensing agency shall report annually to the department the number of child care facilities under its jurisdiction, the number of children served, the ages of children served, and the number of revocations or denials of licenses.

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

402.308 Issuance of license. –

- (1) ANNUAL LICENSING. Every child care facility in the state shall have a license which shall be renewed annually.
- (2) CHANGE OF OWNERSHIP. Every child care facility shall reapply for and receive a license prior to the time a new owner assumes responsibility for the facility. The department shall grant or deny the reapplication for license within 45 days from the date upon which the child care facility reapplies.
- (3) STATE ADMINISTRATION OF LICENSING. In any county in which the department has the authority to issue licenses, the following procedures shall be applied:
 - (a) Application for a license or for a renewal of a license to operate a child care facility shall be made in the manner and on the forms prescribed by the department. The applicant's social security number shall be included on the form submitted to the department. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each applicant is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.
 - (b) Prior to the renewal of a license, the department shall reexamine the child care facility, including in that process the examination of the premises and those records of the facility as required under s. 402.305, to determine that minimum standards for licensing continue to be met.
 - (c) The department shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the secretary of the department within 15 days after written notice that such conflict exists.
 - (d) The department shall issue or renew a license upon receipt of the license fee and upon being satisfied that all standards required by ss. 402.301-402.319 have been met. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any of the child care personnel at the applicant facility have failed the screening required by ss. 402.305(2) and 402.3055.
- (4) LOCAL ADMINISTRATION OF LICENSING. In any county in which there is a local licensing agency approved by the department, the following procedures shall apply:

- (a) Application for a license or for renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the local licensing agency.
 - (b) Prior to the renewal of a license, the agency shall reexamine the child care facility, including in that process the examination of the premises and records of the facility as required in s. 402.305 to determine that minimum standards for licensing continue to be met.
 - (c) The local agency shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within 15 days after written notice that such conflict exists.
 - (d) The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by ss. 402.301-402.319 have been met. A license may be issued or renewed if all the screening materials have been timely submitted; however, the local licensing agency shall not issue or renew a license if any of the child care personnel at the applicant facility have failed the screening required by ss. 402.305(2) and 402.3055.
- (5) ISSUANCE OF LOCAL OCCUPATIONAL LICENSES. No county or municipality shall issue an occupational license which is being obtained for the purpose of operating a child care facility regulated under this act without first ascertaining that the applicant has been licensed to operate such facility at the specified location or locations by the department or local licensing agency. The department or local licensing agency shall furnish to local agencies responsible for issuing occupational licenses sufficient instruction for making the above required determinations.

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

402.309 Provisional license. –

- (1) The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards provided for in ss. 402.301-402.319.
- (2) No provisional license may be issued unless the operator or owner makes adequate provisions for the health and safety of the child. A provisional license may be issued if all of the screening materials have been timely submitted; however, a provisional license may not be issued unless the child care facility is in compliance with the requirements for screening of child care personnel in ss. 402.305 and 402.3055.

- (3) The provisional license shall in no event be issued for a period in excess of 6 months; however, it may be renewed one time for a period not in excess of 6 months under unusual circumstances beyond the control of the applicant.
- (4) The provisional license may be suspended if periodic inspection made by the local licensing agency or the department indicates that insufficient progress has been made toward compliance.

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

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

- (1)
 - (a) The department or local licensing agency may deny, suspend, or revoke a license or impose an administrative fine not to exceed \$100 per violation, per day, for the violation of any provision of ss. 402.301-402.319 or rules adopted thereunder. However, where the violation could or does cause death or serious harm, the department or local licensing agency may impose an administrative fine, not to exceed \$500 per violation per day.
 - (b) In determining the appropriate disciplinary action to be taken for a violation as provided in paragraph (a), the following factors shall be considered: 1. The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of ss. 402.301-402.319 have been violated. 2. Actions taken by the licensee to correct the violation or to remedy complaints. 3. Any previous violations of the licensee.
- (2) When the department has reasonable cause to believe that grounds for the denial, suspension, or revocation of a license or imposition of an administrative fine exist, it shall determine the matter in accordance with procedures prescribed in chapter 120. When the local licensing agency has reasonable cause to believe that grounds for the denial, suspension, or revocation of a license or imposition of an administrative fine exist, it shall notify the applicant or licensee in writing, stating the grounds upon which the license is being denied, suspended, or revoked or an administrative fine is being imposed. If the applicant or licensee makes no written request for a hearing to the local licensing agency within 15 days from receipt of such notice, the license shall be deemed denied, suspended, or revoked or an administrative fine shall be imposed.
- (3) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.

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

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

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

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

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

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

402.312 License required; injunctive relief. –

- (1) The operation of a child care facility without a license, a family day care home without a license or registration, or a large family child care

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

- (2) Other grounds for seeking an injunction to close a child care facility, family day care home, or a large family child care home are that:
 - (a) There is any violation of the standards applied under ss. 402.301-402.319 which threatens harm to any child in the child care facility, a family day care home, or large family child care home.
 - (b) A licensee or registrant has repeatedly violated the standards provided for under ss. 402.301-402.319.
 - (c) A child care facility, family day care home, or large family child care home continues to have children in attendance after the closing date established by the department or the local licensing agency.
- (3) The department or local licensing agency may impose an administrative fine on any child care facility, family day care home, or large family child care home operating without a license or registration, consistent with the provisions of s. 402.310.

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

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

- (1)
 - (a) Upon receipt of a license issued under s. 402.308 or s. 402.309, the child care facility shall display such license in a conspicuous place within the facility.
 - (b) 1. In addition to posting the license as required under paragraph (a), the child care facility shall post with the license:
 - a. Each citation for a violation of any standard or requirement of ss. 402.301-402.319 that has resulted in disciplinary action under s. 402.310 or s. 402.312.
 - b. An explanation, written in simple language, of each citation.
 - c. A description, written in simple language, of the corrective action, if any, taken by the facility for each citation. Included in the description shall be the dates on which the

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

- (2) The department shall ensure that every license it issues under s. 402.308 or s. 402.309 bears the distinctive seals of the State of Florida and of the department and is clearly recognizable by its size, color, seals, and contents to be a state license or provisional license for a child care facility.
- (3) Each local licensing agency shall ensure that every license it issues under s. 402.308 or s. 402.309 bears the distinctive seals of the issuing county and of the department and is clearly recognizable by its size, color, seals, and contents to be a county license or provisional license for a child care facility. Noncompliance by a local licensing agency shall be deemed by the department to be failure to meet minimum state standards and shall result in the department immediately assuming licensure authority in the county.
- (4) Any license issued pursuant to subsection (2) or subsection (3) shall include the name, address, and telephone number of the licensing agency.
- (5) The department shall develop a model brochure for distribution by the department and by local licensing agencies to every child care facility in the state. Pursuant thereto:
 - (a) Upon receipt of such brochures, each child care facility shall provide a copy of same to every parent, guardian, or other person having entered a child in such facility. Thereafter, a copy of such brochure shall be provided to every parent, guardian, or other person entering a child in such facility upon entrance of the child or prior thereto.
 - (b) Each child care facility shall certify to the department or local licensing agency, whichever is appropriate, that it has so provided and will continue to so provide such brochures, which certification shall operate as a condition upon issuance and renewal of licensure. Noncompliance by any child care facility shall be grounds for sanction as provided in ss. 402.310 and 402.312.
 - (c) The brochure shall, at a minimum, contain the following information:
 1. A statement that the facility is licensed and has met state standards for licensure as established by s. 402.305 or that the facility is licensed by a local licensing agency and has met or exceeded the state standards, pursuant to ss. 402.306 and 402.307. Such statement shall include a listing of specific standards that licensed facilities must meet pursuant to s. 402.305.
 2. A statement indicating that information about the licensure status of the child care facility can be obtained by telephoning the department office or the office of the local licensing agency issuing the license at a telephone number or numbers which shall be

printed upon or otherwise affixed to the brochure. 3.The statewide toll-free telephone number of the central abuse hotline, together with a notice that reports of suspected and actual cases of child physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline. 4.The date that the current license for the facility was issued and the date of its scheduled expiration if it is not renewed. 5.Any other information relating to competent child care that the department deems would be helpful to parents and other caretakers in their selection of a child care facility.

- (d) The department shall prepare a brochure containing substantially the same information as specified in paragraph (c) and shall make such brochure available to all interested persons, including physicians and other health professionals; mental health professionals; school teachers or other school personnel; social workers or other professional child care, foster care, residential, or institutional workers; and law enforcement officers.

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

402.313 Family day care homes. –

- (1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance, if they are participating in the subsidized child care program, or if the board of county commissioners passes a resolution that family day care homes be licensed. If no county authority exists for the licensing of a family day care home, the department shall have the authority to license family day care homes under contract for the purchase-of-service system in the subsidized child care program.

- (a) If not subject to license, family day care homes shall register annually with the department, providing the following information:
- 1.The name and address of the home.
 - 2.The name of the operator.
 - 3.The number of children served.
 - 4.Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.
 - 5.Proof of screening and background checks.
 - 6.Proof of successful completion of the 30-hour training course, as evidenced by passage of a competency examination, which shall include:
 - a.State and local rules and regulations that govern child care.
 - b.Health, safety, and nutrition.
 - c.Identifying and reporting child abuse and neglect.
 - d.Child development, including typical and atypical language development; and cognitive, motor, social, and self-help skills development.
 - e.Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine a child's developmental level.

- f. Specialized areas, including early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators of family day care homes.
7. Proof that immunization records are kept current. 8. Proof of completion of the required continuing education units or clock hours.
- (b) The department or local licensing agency may impose an administrative fine, not to exceed \$100, for failure to comply with licensure or registration requirements.
 - (c) A family day care home not participating in the subsidized child care program may volunteer to be licensed under the provisions of this act.
 - (d) The department may provide technical assistance to counties and family day care home providers to enable counties and family day care providers to achieve compliance with family day care homes standards.
- (2) This information shall be included in a directory to be published annually by the department to inform the public of available child care facilities.
 - (3) Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in ss. 402.305(2) and 402.3055. For purposes of screening in family day care homes, the term includes any member over the age of 12 years of a family day care home operator's family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records.
 - (4) Operators of family day care homes must successfully complete an approved 30-clock-hour introductory course in child care, as evidenced by passage of a competency examination, before caring for children.
 - (5) In order to further develop their child care skills and, if appropriate, their administrative skills, operators of family day care homes shall be required to complete an additional 1 continuing education unit of approved training or 10 clock hours of equivalent training, as determined by the department, annually.
 - (6) Operators of family day care homes shall be required to complete 0.5 continuing education unit of approved training in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subsection (5).
 - (7) Operators of family day care homes shall be required annually to complete a health and safety home inspection self-evaluation checklist

developed by the department in conjunction with the statewide resource and referral program. The completed checklist shall be signed by the operator of the family day care home and provided to parents as certification that basic health and safety standards are being met.

- (8) Family day care home operators may avail themselves of supportive services offered by the department.
- (9) The department shall prepare a brochure on family day care for distribution by the department and by local licensing agencies, if appropriate, to family day care homes for distribution to parents utilizing such child care, and to all interested persons, including physicians and other health professionals; mental health professionals; school teachers or other school personnel; social workers or other professional child care, foster care, residential, or institutional workers; and law enforcement officers. The brochure shall, at a minimum, contain the following information:
 - (a) A brief description of the requirements for family day care registration, training, and fingerprinting and screening.
 - (b) A listing of those counties that require licensure of family day care homes. Such counties shall provide an addendum to the brochure that provides a brief description of the licensure requirements or may provide a brochure in lieu of the one described in this subsection, provided it contains all the required information on licensure and the required information in the subsequent paragraphs.
 - (c) A statement indicating that information about the family day care home's compliance with applicable state or local requirements can be obtained by telephoning the department office or the office of the local licensing agency, if appropriate, at a telephone number or numbers which shall be affixed to the brochure.
 - (d) The statewide toll-free telephone number of the central abuse hotline, together with a notice that reports of suspected and actual child physical abuse, sexual abuse, and neglect are received and referred for investigation by the hotline.
 - (e) Any other information relating to competent child care that the department or local licensing agency, if preparing a separate brochure, deems would be helpful to parents and other caretakers in their selection of a family day care home.
- (10) On an annual basis, the department shall evaluate the registration and licensure system for family day care homes. Such evaluation shall, at a minimum, address the following:
 - (a) The number of family day care homes registered and licensed and the dates of such registration and licensure.

- (b) The number of children being served in both registered and licensed family day care homes and any available slots in such homes.
 - (c) The number of complaints received concerning family day care, the nature of the complaints, and the resolution of such complaints.
 - (d) The training activities utilized by child care personnel in family day care homes for meeting the state or local training requirements. The evaluation shall be utilized by the department in any administrative modifications or adjustments to be made in the registration of family day care homes or in any legislative requests for modifications to the system of registration or to other requirements for family day care homes.
- (11) In order to inform the public of the state requirement for registration of family day care homes as well as the other requirements for such homes to legally operate in the state, the department shall institute a media campaign to accomplish this end. Such a campaign shall include, at a minimum, flyers, newspaper advertisements, radio advertisements, and television advertisements.
- (12) Notwithstanding any other state or local law or ordinance, any family day care home licensed pursuant to this chapter or pursuant to a county ordinance shall be charged the utility rates accorded to a residential home. A licensed family day care home may not be charged commercial utility rates.
- (13) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

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

402.3131 Large family child care homes. –

- (1) Large family child care homes shall be licensed under this section.
 - (a) The department or local licensing agency may impose an administrative fine, not to exceed \$1,000, for failure to comply with licensure requirements.
 - (b) A licensed family day care home must first have operated for a minimum of 2 consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home.

- (c) The department may provide technical assistance to counties and family day care home providers to enable the counties and providers to achieve compliance with minimum standards for large family child care homes.
- (2) Child care personnel in large family child care homes shall be subject to the applicable screening provisions contained in ss. 402.305(2) and 402.3055. For purposes of screening child care personnel in large family child care homes, the term "child care personnel" includes any member of a large family child care home operator's family 12 years of age or older, or any person 12 years of age or older residing with the operator in the large family child care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years, inclusive, shall not be required to be fingerprinted, but shall be screened for delinquency records.
- (3) Operators of large family child care homes must successfully complete an approved 40-clock-hour introductory course in group child care, as evidenced by passage of a competency examination. Successful completion of the 40-clock-hour introductory course shall articulate into community college credit in early childhood education, pursuant to ss. 1007.24 and 1007.25.
- (4) In order to further develop their child care skills and, if appropriate, their administrative skills, operators of large family child care homes who have completed the required introductory course shall be required to complete an additional 1 continuing education unit of approved training or 10 clock hours of equivalent training, as determined by the department, annually.
- (5) Operators of large family child care homes shall be required to complete 0.5 continuing education unit of approved training or 5 clock hours of equivalent training, as determined by the department, in early literacy and language development of children from birth to 5 years of age one time. The year that this training is completed, it shall fulfill the 0.5 continuing education unit or 5 clock hours of the annual training required in subsection (4).
- (6) The department shall prepare a brochure on large family child care homes for distribution to the general public.
- (7) The department shall, by rule, establish minimum standards for large family child care homes. The standards shall include, at a minimum, requirements for staffing, maintenance of immunization records, minimum health standards, minimum safety standards, minimum square footage, and enforcement of standards.
- (8) Prior to being licensed by the department, large family child care homes must be approved by the state or local fire marshal in accordance with standards established for child care facilities.

History – s. 15, ch. 99-304; s. 1, ch. 2002-300; s. 41, ch. 2003-1; s. 4, ch. 2003-131.

402.3135 Subsidized child care case management program. –

- (1) The department shall establish or contract for a child care case management program for children at risk of abuse or neglect participating in the subsidized child care program and their families.
- (2) The case management program staff shall perform, but not be limited to, the following duties and responsibilities:
 - (a) Participation in the case staffing meetings.
 - (b) Provision of technical assistance to child care staff or parents on child development matters or other issues related to the child.
 - (c) Supplementation of the training efforts of the department and other providers in the child care and child development area.
- (3) The department shall conduct or contract for an evaluation to determine the effectiveness of this program component and establish an allocation workload methodology for budget development.

History – s. 39, ch. 90-306; s. 26, ch. 2001-170.

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

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

402.3145 Subsidized child care transportation program. –

- (1) The department, pursuant to chapter 427, shall establish a subsidized child care transportation system for children at risk of abuse or neglect participating in the subsidized child care program. The state community child care coordination agencies shall contract for the provision of transportation services as required by this section.
- (2) The transportation system shall provide transportation to each child participating in subsidized child care when, and only when, transportation is necessary to provide child care opportunities which otherwise would not be available to a child whose home is more than a reasonable walking distance from the nearest child care facility or family day care home.

History – s. 40, ch. 90-306.

402.315 Funding; license fees. –

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

- (2) The department shall bear the costs of the licensing of child care facilities when contracted to do so by a county or when directly responsible for licensing in a county which fails to meet or exceed state minimum standards.
- (3) The department shall collect a fee for any license it issues for a child care facility pursuant to s. 402.308. Such fee shall be \$1 per child, except that the minimum fee shall be \$25 per center and the maximum fee shall be \$100 per center.
- (4) Any county may collect a fee for any license it issues pursuant to s. 402.308.
- (5) All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal Quality Care program created pursuant to s. 402.281.

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

402.316 Exemptions. –

- (1) The provisions of ss. 402.301-402.319, except for the requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055. Failure by a facility to comply with such screening requirements shall result in the loss of the facility's exemption from licensure.
- (2) Any county or city with state or local child care licensing programs in existence on July 1, 1974, will continue to license the child care facilities as covered by such programs, notwithstanding the provisions of subsection (1), until and unless the licensing agency makes a determination to exempt them.
- (3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

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

402.318 Advertisement. – No person shall advertise a child care facility without including within such advertisement the state or local agency license number of such facility. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History – ss. 15, 19, ch. 84-551; s. 74, ch. 91-224; ss. 1, 2, ch. 93-115.

402.319 Penalties. –

- (1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person knowingly to:
 - (a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under ss. 402.301-402.318 all information required under those sections or a material fact used in making a determination as to such person's qualifications to be child care personnel, as defined in s. 402.302, in a child care facility, family day care home, or other child care program.
 - (b) Operate or attempt to operate a child care facility without having procured a license as required by this act.
 - (c) Operate or attempt to operate a family day care home without a license or without registering with the department, whichever is applicable.
 - (d) Operate or attempt to operate a child care facility or family day care home under a license that is suspended, revoked, or terminated.
 - (e) Misrepresent, by act or omission, a child care facility or family day care home to be duly licensed pursuant to this act without being so licensed.
 - (f) Make any other misrepresentation, by act or omission, regarding the licensure or operation of a child care facility or family day care home to a parent or guardian who has a child placed in the facility or is inquiring as to placing a child in the facility, or to a representative of the licensing authority, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to:
 1. The number of children at the child care facility or the family day care home;
 2. The part of the child care facility or family day care home designated for child care;
 3. The qualifications or credentials of child care personnel;
 4. Whether a family day care home or child care facility complies with the screening requirements of s. 402.305; or
 5. Whether child care personnel have the training as required by s. 402.305.
- (2) If any child care personnel makes any misrepresentation in violation of this section to a parent or guardian who has placed a child in the child care facility or family day care home, and the parent or guardian relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or negligence by the child care personnel, then the

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child care personnel commits a felony of the second degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History – ss. 16, 19, ch. 84-551; s. 32, ch. 85-54; s. 37, ch. 90-347; ss. 1, 2, ch. 93-115; s. 60, ch. 95-228; s. 2, ch. 99-207.

Florida Administrative Code – Chapter 65C-20

Chapter 65C-20 – Family Day Care Standards and Large Family Child Care Homes

65C-20.008 Application. –

- (1) Application for a license or for renewal of a license to operate a family day care home shall be made on CF-FSP Form 5133, Feb. 2004, Application for a License to Operate a Family Day Care Home, which is incorporated herein by reference, can be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.
- (2) 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.
- (3) A completed application 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. The renewal application and required forms may be obtained from the licensing authority.
- (4) An application will not be considered complete until the licensing authority receives proof of background screening clearance on the operator/applicant of the family day care home and the operator/applicant provides proof to the licensing authority, that the screening materials have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may

also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Aug. 04, which is incorporated by reference, must be completed annually for all operators/applicants. CF-FSP 1649 may be obtained from the licensing authority or by accessing the Department of Children and Family Services' website at www.myflorida.com/childcare/information.

Specific Authority 402.313 F.S. Law Implemented 402.313 F.S. History–New 7-2-98, Amended 7-13-03, 9-12-04.

65C-20.009 Staffing Requirements. –

(1) Personnel.

- (a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care home may not work out of the home during the hours when the family day care home is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.
- (b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available to substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute. Substitutes may not work over 40 hours per month on average during a twelve month period in any single home for which they have been identified as the designated substitute.
- (c) No person while using, or who is under the influence of narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator or substitute.

(2) Staff Training.

- (a) Prior to licensure, all family day care home operators must successfully complete the Department of Children and Family Services' 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Prior to attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the Department of Children and Family Services' 30-clock-hour Family Child Care Home training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.
- (b) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5-clock-hours or .5

continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed on or after January 1, 2005, prior to licensure, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, family day care home operators must select a training course from the Department of Children and Family Services list of approved literacy training programs, which may be accessed by going to www.myflorida.com/childcare/training, or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

- (c) Documentation. Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training successfully completed prior to July 1, 2004 may be documented either on CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript.
- (d) Family day care home substitutes who work 40 hours or more a month on average during a 12 month period must successfully complete the 30-clock-hour Family Child Care Home training, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the Department of Children and Family Services' CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the Department of Children and Family Services' 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. In addition to the 30-clock-hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12 month period, shall complete 5-clock-hours or .5 continuing education unit (CEU) of

training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must select a course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to www.myflorida.com/childcare/training or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

- (e) Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the Department of Children and Family Services' 3-clock-hour Fundamentals of Child Care training prior to caring for children, as, documented on the Department of Children and Family Services' CF-FSP Form 5267, May 2003, and the Department of Children and Family Services' child care training transcript. Family day care substitutes who have successfully completed the 30-clockhour Family Child Care Home training will not be required to complete the 3-clock-hour Fundamentals of Child Care training.
 - (f) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in operators' home. The statement must be placed in the substitute's file.
 - (g) Prior to initial licensure, family day care home operators must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. The substitute, prior to caring for children in the family day care home, must have a valid and current certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR Training must be done by classroom instruction.
- (3) Annual In-Service Training.
- (a) All family day care home operators, must complete a minimum of 10-clock-hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

- (b) The annual 10-clock-hours of in-service training or 1 CEU, must be completed in one or more of the following areas:
1. Health and safety, including universal precautions;
 2. CPR;
 3. First Aid (this training may only be taken to meet the in-service requirement once every three years);
 4. Nutrition;
 5. Child development – typical and atypical;
 6. Child transportation and safety;
 7. Behavior management;
 8. Working with families;
 9. Design and use of child oriented space;
 10. Community, health and social service resources;
 11. Child abuse;
 12. Child care for multilingual children;
 13. Working with children with disabilities in child care;
 14. Safety in outdoor play;
 15. Literacy;
 16. Guidance and discipline;
 17. Computer technology;
 18. Leadership development/program management and staff supervision;
 19. Age appropriate lesson planning;
 20. Homework assistance for school age care;
 21. Developing special interest centers/spaces and environments; or
 22. Other course areas relating to child care or child care management.
- (c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated herein by reference, and maintained at the family day care home. CF-FSP Form 5268 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the family day care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.
- (4) Supervision.
- (a) At all times, which includes when the children are sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to the emergencies and needs of the children. During the daytime hours of operation, children shall

have adult supervision which means watching and directing children's activities, both indoors and outdoors, and responding to each child's needs.

- (b) A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.

Specific Authority 402.313 F.S. Law Implemented 402.313 F.S. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04.

65C-20.010 Health Related Requirements. –

(1) General Requirements.

- (a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl, and be free of disease. Parents must be informed in writing of all animals on the premises of the home. Such information may be provided by way of a parent flier, a notification statement, or a statement included in the child's enrollment form.
- (b) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous and toxic materials must be labeled. These items as well as knives, and sharp tools and other potentially dangerous hazards shall be stored in locations inaccessible to the children in care.
- (c) All family day care home operators shall inform parents in writing, if someone living in the home smokes. Pursuant to Chapter 386, F.S., while children are in care, smoking is prohibited within the family day care home, all outdoor play areas and in vehicles when transporting children.
- (d) At all times when children are in care, all firearms and weapons as defined in Section 790.001, F.S., shall be stored in a location inaccessible to children and in accordance with Section 790.174, F.S.
- (e) Play areas shall be clean, free of litter, nails, glass and other hazards.
- (f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall be fenced, a minimum of 4 feet in height, if the family day care home property borders any of the following:
 1. Laned road or laned street open to travel by the public;
 2. Road or street open to travel by the public divided by a median;
 3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to

Section 316.189, F.S.

4. Lake, ditch, pond, brook, canal or other water hazard. All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides, a minimum of 4 feet in height, separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. The fence or barrier may not have any gaps or openings that could allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or instead, spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. The exterior wall of the home, if it has ingress and egress, does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care. The wall of an above-ground swimming pool may be used as its barrier; however, such structure must be at least 4 feet in height. In addition, any ladder or steps that are the means of access to an above-ground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.
- (g) If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. If the family day care home uses a swimming pool, which exceeds three (3) feet in depth at the family day care home site, one person who has completed a basic water safety course such as one offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the site of the family day care home, or takes the children to water areas such as a beach or lake for swimming activities, the family day care home operator must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

- (h) A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.
- (i) Each child in care must be provided safe and sanitary bedding to be used when napping. Bedding means a cot, bed, crib, mattress, playpen or floor mat. Air mattresses and foam mattresses may not be used for napping. Mats must be at least one inch thick and covered with an impermeable surface.
- (j) Children one year of age or older may sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two (2) sibling preschool children may share a double bed. When children remain overnight, playpens, air mattresses, foam mattresses, and mats are not acceptable and the operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.
- (k) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.
- (l) A minimum distance of eighteen (18) inches must be maintained between individual napping space. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and needs of the children.
- (m) Potable drinking water shall be available to children of all ages at all times. If disposable cups are used, they must be discarded after each use.
- (n) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.
- (o) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate, at least one operable corded telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and

supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

- (p) If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, 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 one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups. If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child's file to include the physician's order, a copy of a diet and sample meal plan for the special diet. If the parent or legal guardian notifies the family day care home of any known food allergies, written documentation must be maintained in the child's file.
- (2) Hygiene and Sanitation.
 - (a) Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others and immediately after outdoor play.
 - (b) Soiled items shall be placed in plastic lined, securely covered containers which are not accessible to children. The container shall be emptied, cleaned and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.
 - (c) Potty chairs, if used, shall be cleaned and sanitized after each use
 - (d) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used they shall be discarded after each use.
 - (e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. The diaper changing area shall not be in or near the food service area. Children must be attended at all times when being diapered or when changing clothes.
 - (3) First Aid Kit and Emergency Procedures.
 - (a) At least one first aid kit containing materials to administer first aid must be maintained on the premises of the family day care home at all times and on activities away from the home. The first aid kit shall

be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled “First Aid” and must, at a minimum, include:

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

(b) Emergency Procedures and Notification

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, county public health unit, and the address of and directions to the home, must be posted on or near all telephones and shall be used to protect the health, safety and well-being of any child in care. To meet the immediate needs of the child, family day care home operators shall call 911 or other emergency numbers in the event of an emergency.
2. Custodial parents or legal guardian’s 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. If the custodial parent or legal guardian cannot be reached, the family day care home operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal guardian.
3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented and shared with the custodial parent or legal guardian on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one year.
4. Fire drills shall be conducted monthly and shall be conducted at various times when children are in care. A written record shall be maintained showing the date, time, number of children in attendance and time taken to evacuate

- the home. This record shall be maintained for six months.
5. After a fire or natural disaster, the operator must notify the licensing agency, within 24 hours, in order for the department or local licensing agency to ensure health standards are met for continued operation as a family day care home.
- (4) Communicable Disease Control.
 - (a) Children in care shall be observed on a daily basis for signs of communicable disease.
 - (b) The family day care home shall have an isolation area for a child who becomes ill. The child's condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever, of 101 degrees Fahrenheit or higher, in conjunction with any other signs of or develops other signs and symptoms which include any of the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area. Linens and disposables shall be changed after each use. The condition shall be reported to the parent or legal guardian and the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.
 - (c) A child who has head lice will not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent or legal guardian, that treatment has occurred.
 - (d) An operator or household member who develops signs and symptoms of a communicable disease which include any of the following: fever (of 101 degrees Fahrenheit or higher), in conjunction with any of the other following signs, diarrhea, rash, pink eye, or skin infection shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.
 - (5) Medication. Family day care homes are not required to give medication, however, if they choose to do so, the following shall apply:
 - (a) Prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container. Prescription medication must have the label stating the name of the physician, child's name, 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. For the purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription

medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the family day care home of any known allergies to medication, written documentation must be maintained in the child's file.

- (b) All medicines shall be kept out of the reach of children and must have child resistant caps.
- (c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.
- (d) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication.
- (e) This record shall be maintained for six months.

Specific Authority 402.313 F.S. Law Implemented 402.313 F.S. History—New 7-2-98, Amended 1-4-01, 7-13-03, 9-12-04.

65C-20.011 Health Records. –

- (1) Immunizations. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which are incorporated by reference in subsection 64D-3.011(9), F.A.C., DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S.
- (2) Children's Student Health Examination.
 - (a) The family day care home provider is responsible for obtaining from the parent or legal guardian, a current and completed DH Form 3040, (June 02), Student Health Examination, for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home. DH Form 3040, which is incorporated

by reference, can be obtained from the local county health department. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a signed statement by an authorized professional that indicates the results of the components included in the health examination.

- (b) This Student Health Examination is valid for two (2) years from the date the physical was performed.
- (3) Immunization and Health Records.
- (a) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.
 - (b) School-age children in kindergarten through grade 5, attending public or nonpublic schools are not required to have student health examination (DH Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.
- (4) Enrollment and Medical Authorization.
- (a) The operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting the child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02, Child Care Application for Enrollment, which can be obtained from the local Department of Children and Family Services district service center or the local licensing agency, and is incorporated by reference, or an equivalent that contains all the information required by the department's form.
 - (b) Enrollment information shall be kept current and on file for each child in care.

Specific Authority 402.313 F.S. Law Implemented 402.313 F.S. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04.

65C-20.012 Enforcement. –

- (1) Pursuant to Section 402.313, F.S., family day care homes may be fined a maximum of \$100 per violation, per day for noncompliance with any of the applicable provisions of Sections 402.301-.319, F.S.
- (2) The operation of a family day care home is prohibited unless registered, or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home which is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the

minimum standards.

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

Specific Authority 402.313 F.S. Law Implemented 402.313, 402.319(5) F.S. History—New 7-2-98, Amended 7-13-03, 9-12-04.

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

- (1) Large Family Child Care Homes. Large family child care homes shall meet all of the requirements in Rules 65C-20.008-65C-20.012, F.A.C., in addition to the requirements listed below.
- (2) Definitions:
 - (a) “Full Time Employee,” means one additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.
 - (b) “Hours of Operation,” means the hours of the day or night that a large family child care home has enough children in care to meet the definition of a large family child care home.
 - (c) “Large Family Child Care Home,” is defined by Section 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed in the State of Florida as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.
 - (d) “Operator,” means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.
 - (e) “Substitute,” means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.
- (3) License.
 - (a) Application for a license or for renewal of a license to operate a large family child care home shall be made on CF-FSP Form 5238, Feb. 2004, Application for a License to Operate a Large Family Child Care Home, which is incorporated herein by reference and can be obtained at the Department of Children and Family Services local district service center or the local licensing agency. A license to operate a Large Family Child Care Home may be used to operate a Family Day Care Home, when the number of children in care meets the definition of a Family Day Care Home. A license to

operate a Family Day Care Home cannot be used to operate a Large Family Child Care Home.

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

(4) LFCCH Personnel:

- (a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and the occupant of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.
- (b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is operating.
- (c) No person while using, or who is under the influence of, narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.

(5) LFCCH Staff Training:

- (a) In addition to the successful completion of the 30-clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of a competency examination with a score of seventy (70) or better in 10clock-hours of specialized training from the Department of Children and Family Services specialized training from the Department of Children and Family Services specialized training modules within six (6) months of licensure:

1. Infant and Toddler Appropriate Practices (10 hours);
2. Preschool Appropriate Practices (10 hours);
3. School-Age Appropriate Practices for school-age children (10 hours);
4. Special Needs Appropriate Practices (10 hours);
5. Basic Guidance and Discipline (5 hours web based);
6. Computer Technology for Child Care Professionals (5 hours web based); and
7. Early Literacy in the Child Care Environment (5 hours web based).

- (b) Large family child care home operators shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005, as documented on the certificate of course completion, classroom transcript, or diploma. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, large family child care home operators must select a training course from the Department of Children and Family Services list of approved

training programs, which can be accessed by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

- (c) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10-clock-hour specialized training module by successfully completing competency examinations with a score of seventy (70) or better. The 10-hour specialized training must be documented on CF-FSP Form 5267, May 2003, or the Department of Children and Family Services child care training transcript. Examination exemptions are not available for the Department of Children and Family Services' web based Part II specialized training modules.
- (d) Large family child care homes must have one person on the premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.
- (e) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30-clock-hour Family Child Care Home training. Prior to attending the training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the Department of Children and Family Services CF-FSP Form 5267, May 2003, or the Department of Children and Family Services child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or

after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, employees must select a training course from the Department of Children and Family Services list of approved literacy training programs, which can be accessed by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, it meets all the required components stated above.

- (f) Prior to taking care of children, substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30-clock-hour Family Child Care Home training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Completion of the 30 hour Family Child Care Home training shall be documented on the Department of Children and Family Services CF-FSP Form 5267, May 2003, or the Department of Children and Family Services child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the operator hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, substitutes must select a training course from the Department of Children and Family Services list of approved literacy training programs, which can be accessed by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, or by contacting the

licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

- (g) Prior to caring for children, substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12 month period, shall complete the department's 3-clockhour Fundamentals of Child Care Training.
- (h) Prior to taking care of children, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period, shall successfully complete the 30clock-hour Family Child Care Home training, as demonstrated through passage of a competency examination with a score of seventy (70) or better, documented on the form or transcript referenced above. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the employee; hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes for the employee must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

- (6) Annual In-Service Training.
- (a) All large family child care home operators and employees must complete a minimum of 10-clockhours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.
 - (b) The annual 10-clock-hours of in-service training or 1 CEU, must be completed in one or more of the following areas:
 - 1. Health and safety, including universal precautions;
 - 2. CPR;
 - 3. First aid (this training may only be taken to meet the in-service requirement once every three years);
 - 4. Nutrition;
 - 5. Child development – typical and atypical;
 - 6. Child transportation and safety;
 - 7. Behavior management;
 - 8. Working with families;
 - 9. Design and use of child oriented space;
 - 10. Community, health and social service resources;
 - 11. Child abuse;
 - 12. Child care for multilingual children;
 - 13. Working with children with disabilities in child care;
 - 14. Safety in outdoor play;
 - 15. Literacy;
 - 16. Guidance and discipline;
 - 17. Computer technology;
 - 18. Leadership development/program management and staff supervision;
 - 19. Age appropriate lesson planning;
 - 20. Homework assistance for school age care;
 - 21. Developing special interest centers/spaces and environments; or
 - 22. Other course areas relating to child care or child care management.
 - (c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated by reference, and maintained at the large family child care home. CF-FSP Form 5268 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the family day care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(7) LFCCH Supervision.

- (a) In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need.
- (b) Additional Supervision Requirements.
 - 1. In addition to the number of staff required to meet staff to child ratios, if there are more than 6 preschoolers participating on field trips away from the large family child care home, there must be one additional adult present, per each 6 preschoolers, or any fraction thereof, to provide direct supervision to the children. Where some children remain in the home the adult supervision as required in Section 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in Section 402.3131, F.S.
 - 2. If a large family child care home uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area.

(8) Transportation.

- (a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with Sections 322.01-.70, F.S.
- (b) All large family child care homes must maintain current insurance coverage on all vehicles used to transport children in care, and documentation thereof.
- (c) 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.
- (d) 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.
- (e) An adult must remain within sight and sound of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.
- (f) Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:
 - 1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six

months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact 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 child departs the vehicle,
 - b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
 - c. Sign the log verifying that all children were all 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 the log verifying that all children were accounted for and drivers log is complete.

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

(9) Planned and Unplanned Activities.

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

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

(b) A permission and transportation release form signed by the parent or legal guardian of the children in care must be on file for planned and unplanned activities.

1. A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips.
2. Emergency medical forms signed by the parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(10) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S.

(b) All child care personnel of the large family child care home shall 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 by all child care personnel.

(c) Copy of the discipline policy must be available for review by the

licensing authority.

(11) LFCCH General Requirements.

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.
2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.
4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.
5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.
6. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(c) Outdoor Play Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.
2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

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

(d) Emergency Procedures and Notification.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees and parents.
2. In addition to conducting fire drills as specified in subparagraph 65C-20.010(3)(b)4., F.A.C., the large family child care home shall maintain the fire drill record on the premises for twelve months.

(12) LFCCH Enforcement. Pursuant to Section 402.3131, F.S., the department or local licensing agency shall deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of Sections 402.301-.319, F.S., or rules adopted thereunder.

Specific Authority 402.3131 F.S. Law Implemented 402.302, 402.305, 402.3131 F.S. History—New 5-21-00, Amended 1-4-01, 7-1303, 9-12-04.

Florida Administrative Code – Chapter 65C-22

Chapter 65C-22 – Child Care Standards

65C-22.001 General Information. –

- (1) Application.
 - (a) Application must be made on CF-FSP Form 5017, Feb. 2004, Application for a License to Operate a Child Care Facility, which is incorporated by reference. An application may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.
 - (b) Each completed application must be submitted with the licensure fee.
 - (c) The completed application must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.
 - (d) 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.
 - (e) A completed application 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. The renewal application and required forms may be obtained from the licensing authority.
 - (f) In order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority. An urban child care facility will not be approved if outdoor space is found by the licensing authority to be available.
- (2) License.
 - (a) A child care facility license is issued in the name of the owner, partnership, association, or corporation.
 - (b) In compliance with Section 402.305(18), F.S., at least one week prior to changing ownership of a child care facility, one of the following methods of notification to parents or guardians must be observed:
 1. Posting a notice in a conspicuous location at the facility.
 2. Incorporating information in any existing newsletter.
 3. Individual letters, or fliers.
- (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-children 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 1 year of age are included, one staff member shall be responsible for no more than 4 children of any age group.
 - 2. In groups of mixed age ranges, where children 1 year of age but under 2 years of age are included, one staff member shall be responsible for no more than 6 children of any age group.
- (5) Supervision.
- (a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. 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 and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups.
 - (b) During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision as described in this section, does not include supervision of children up to 24 months of age, who must be directly supervised at all times.
 - (c) No person while using, or who is under the influence of, narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care, shall be an operator, owner, or employee in a child care facility.
 - (d) Additional Supervision Requirements.
 - 1. In addition to the number of staff required to meet the staff to child ratio, one additional adult must be present on all field trips away from the child care facility, for the purpose of safety, to assist in providing direct supervision.
 - 2. If a child care facility uses a swimming pool which exceeds 3 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 communication shall be available to staff responsible for children during all field trips. Cell phones, two-way radio devices, citizen band radios, and other means of instant communication are accepted.
- (6) Transportation. For the purpose of this section, vehicles refer to those owned/operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity.
- (a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive.
 - (b) All child care facilities must comply with the inspection responsibilities and insurance requirements found in Section 316.615, 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. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. The log shall be retained for a minimum of four months.
 2. Upon arrival at the destination the driver of the vehicle shall:
 - a. Mark each child off the log as the child departs the vehicle,
 - b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
 - c. Sign the log verifying that all children were all 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 the vehicle to ensure that no child is left in the vehicle, and
 - b. Sign the log verifying that all children were accounted for and drivers log is complete.
- (7) Planned Activities.
- (a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:
 1. Promote emotional, social, intellectual and physical growth.
 2. Include quiet and active play, both indoors and outdoors.
 3. Include meals, snacks and nap times, if appropriate for the age and the times the children are in care.
 - (b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least 2 working days prior to each field trip. Written parental permission must be obtained, either in the form of a general permission slip, or prior to each field trip activity. If special circumstances arise where notification of an event cannot be posted for 2 working days then individual permission slips must be obtained from each parent.
- (8) Child Discipline.
- (a) Verification that the child care facility has provided, in writing, the disciplinary practices 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 of the child care facility must comply with the facility's written disciplinary practices. 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 by all child care personnel.
 - (c) A copy of the facility's current written disciplinary practices 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.

Specific Authority 402.281, 402.305 F.S. Law Implemented 402.281, 402.305, 402.3055, 402.308 F.S. History–New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04.

65C-22.002 Physical Environment. –

- (1) General Requirements.
 - (a) All child care facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation. 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 the children.
 - (b) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.
 - (c) Animals must be properly immunized, free of disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.
 - (d) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools shall be stored in locations inaccessible to the children in care.
 - (e) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal state or local Law Enforcement Officers.
 - (f) No narcotics, alcohol, or other impairing drugs shall be present on the premises.
 - (g) Pursuant to Chapter 386, F.S., smoking is prohibited within the child care facility, all outdoor play areas, and in vehicles when being used to transport children.
 - (h) Design and construction of a new child care facility or modifications to an existing facility, must meet the minimum requirements of the applicable local governing body.
- (2) Rooms Occupied by Children.
 - (a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. In reading, painting, and other close work areas, lighting must be equivalent to 50 foot candles on the work surface. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.
 - (b) An inside temperature of 65° to 82° F. must be maintained at all times.
 - (c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.
 - (d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

- (a) A child care facility that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A child care facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility, must have a minimum of 35 square feet of usable indoor floor space for each child.
- (b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
- (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.

(4) Outdoor Play Area.

- (a) There shall be a minimum of forty-five (45) square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.
- (b) The outdoor play area shall be calculated at the rate of forty-five (45) square feet per child in any group using the play area at one time.
- (c) The outdoor play area shall be clean, free of 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 accepted safety practices and 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 (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or build-up, to prevent inside or outside access by children or animals.
- (f) 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.

- (g) 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 overnight 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 a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.
 - (b) Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Bedding means a cot, bed, crib, playpen, mattress (excluding an air mattress or a foam mattress) or floor mat. Floor mats must be at least one inch thick and covered with an impermeable surface. Floor mats, foam mattresses, air mattresses, and playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size. Bedding is not required for school age children, however, the program or facility shall provide an area as described in paragraph 65C-22.002(5)(a), F.A.C., for those children choosing to rest.
 - (c) 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.
 - (d) Linens must be stored in a sanitary manner.
 - (e) A minimum distance of eighteen (18) inches must be maintained around individual napping and sleeping spaces. Exit areas must remain clear in accordance with fire safety regulations.
 - (f) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own should 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. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.
 - (g) No double or multi-deck cribs, cots or beds may be used.
- (6) Toilet and Bath Facilities.
- (a) Each child care facility shall provide and maintain toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

- (b) For facilities having from one to fifteen children, there shall be one toilet and one wash basin. There shall be one additional toilet and basin for every thirty children thereafter. For design and construction of a new child care facility or modification to an existing facility, paragraph 65C-22.002(1)(j), F.A.C., shall apply.
 - 1. If only diapered infants are cared for in the facility, there need be only one toilet plus two basins for each thirty infants.
 - 2. Potty chairs, if used, shall be in addition to the toilet requirements and shall be cleaned and sanitized 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.
 - (f) Running water, toilet paper, disposable towels or hand drying machines that are properly installed and maintained, soap and trash receptacles shall be available and within reach of children using the toileting facility.
 - (g) Each basin and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.
- (7) Fire 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 which is neither locked nor located at a pay station and is available to all staff during the hours of operation.
 - (c) Fire drills shall be conducted monthly and shall be conducted 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.
- (8) Health and Sanitation.
- (a) General Requirements.
 - 1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.
 - 2. Following personal hygiene procedures for themselves or

when assisting others, and immediately after outdoor play, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.
4. If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(b) Diapering Requirements.

1. Hand washing facilities which include a basin with running water, disposable towels or hand drying machines that are properly installed and maintained, soap, and trash receptacle shall be maintained 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. Hands shall be washed and dried thoroughly after each diapering or toileting procedure. Handwashing sinks shall not be used for food service preparation or food clean up.
2. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.
3. Diaper changing shall be in a separate area from the feeding or food service area.
4. There shall be a supply of clean diapers, clothing and linens at all times, which shall be changed or removed promptly when soiled or wet.
5. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.
6. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

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

(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 play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month, of all supports, above and below the ground, all connectors, and moving parts.
3. Permanent playground equipment must have a ground cover or other protective surface under the equipment which 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 of 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 maintained in a safe and sanitary condition.

*Specific Authority 402.301, 402.305 F.S. Law Implemented 402.305 F.S.
History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05.*

65C-22.003 Training. –

(1) Definitions.

- (a) "CDA" Child Development Associate is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.
- (b) "State Approved CDA Equivalency" is a training program that has been approved by the Department of Children and Family Services as meeting or exceeding the criteria established for an equivalency program.
- (c) "Director" for the purpose of this section and consistent with the statutory definition of operator, refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.
- (d) "Director Credential" means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in subsection 65C-22.003(8), F.A.C.
- (e) "Before-school and after-school sites" for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district's calendar year. This is limited

to programs providing care before and after the school day, only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

- (f) "Begin training for child care personnel" means to commence coursework by attendance, by educational exemption, or by completing a competency examination for one of the statutorily mandated child care training modules. The begin date for training is the initial date an individual commences training in the child care field.
 - (g) "Training Transcript" is the official electronic documentation for statutorily mandated training and staff credentialing requirements of all child care personnel. Training transcripts can be downloaded and printed by the individual if desired or will be issued to the individual if requested.
- (2) Training Requirements.
- (a) The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training, consisting of the Department of Children and Family Services' training modules, identified below:
 - 1. State & Local Rules and Regulations;
 - 2. Health, Safety, and Nutrition;
 - 3. Identifying and Reporting Child Abuse & Neglect;
 - 4. Child Growth & Development; and
 - 5. Behavioral Observation and Screening.
 - (b) Part II is comprised of 10 hours of training, consisting of a selection from the Department of Children and Family Services' specialized training modules, identified below:
 - 1. Infant and Toddler Appropriate Practices (10 hours);
 - 2. Preschool Appropriate Practices (10 hours);
 - 3. School-Age Appropriate Practices (10 hours);
 - 4. Special Needs Appropriate Practices (10 hours);
 - 5. Basic Guidance and Discipline (5 hours web based);
 - 6. Computer Technology for Child Care Professionals (5 hours web based); and
 - 7. Early Literacy for Children Age Birth to Three (5 hours web based).
 - (c) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the Department of Children and Family Services' 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. Child care personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

- (d) Pursuant to Section 402.305(2)(d) 5., F.S., all child care personnel must complete 5-clock-hours or .5 continuing education units (CEU's) of training in early literacy and language development of children birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration and focuses on early literacy and language development of children from birth to 5 years of age.
1. All child care personnel employed on or before December 31, 2004, shall complete 5-clock-hours or .5 documented continuing education units (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005.
 2. All child care personnel hired on or after January 1, 2005, shall complete early literacy training within 12 months of date of employment.
 3. In order to meet this requirement, child care personnel must complete one of the following:
 - a. The department's online literacy course available at www.myflorida.com/childcare/training.
 - b. A training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by contacting the licensing authority or by going to www.myflorida.com/childcare/training. The Department of Children and Family Services will continue to approve literacy courses through May 31, 2005. After this date, no additional courses will be added to the list; or
 - c. One college level early literacy course if taken (for credit or non-credit) within the last 5 years.
 4. Literacy training that was taken between July 1, 1999 and July 1, 2004, will be accepted by the licensing authority if it meets all the required components stated above.
- (e) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Department of Children and Family Services or its designated representative.
1. The successful completion of Part I and Part II modules will be documented on either CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript.
 2. A copy of the certificate or training transcript must be included in the child care personnel record and maintained at each facility.

3. A copy of the certificate or training transcript for the director and owner must be included in the department's official licensing file.
- (3) Exemptions from the Introductory Child Care Training.
- (a) Examination Exemptions. Prior to attending the training, child care personnel have one opportunity, if they choose, to exempt from any of the 40 hour Introductory Child Care Training modules by successfully completing competency examinations with a score of seventy (70) or better. Examination exemptions are not available for the Department of Children and Family Services' web based Part II specialized training modules.
 - (b) Educational Exemptions.
 1. The Department of Children and Family Services or its designated representative shall exempt child care personnel with one of the following educational qualifications, from the Health, Safety and Nutrition, Child Growth and Development and Behavioral Observation and Screening Modules:
 - a. Two year degree or higher with 6 college credit hours in early childhood/child growth and development.
 - b. Child Development Associate credential, state-approved Florida CDA Equivalency course.
 2. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices module and Preschool Appropriate Practices module.
 3. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices module.
 4. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices module.
- (4) Documentation of Training. Training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training completed prior to July 1, 2004 may be documented either on the child care training transcript or on CF-FSP 5267.
- (5) Trainer Qualifications. Qualified child care professionals approved to teach the Department of Children and Family Services' child care training modules at a minimum must meet the following qualifications:
- (a) Be at least 21 years old.

- (b) Complete the 6-clock-hour Train-the-Trainer course developed by the Department of Children and Family Services.
 - (c) Meet one of the following educational experiential credentials verified by the Department of Children and Family Services or its designated representative:
 - 1. Four year college degree or higher with 6 college credit hours in early childhood/child growth and development, plus, 480 hours experience in a child care setting serving children ages birth through eight years of age or a teaching certificate.
 - 2. A.S. or A.A. degree in child development, plus 480 hours experience in a child care setting serving children ages birth through eight years of age.
 - 3. Associate degree with 6 college credit hours in early childhood/child growth and development, plus 960 hours experience in a child care setting serving children ages birth through eight years of age.
 - (d) Family child care trainers may meet the qualifications listed above in paragraph 65C-22.003(5)(c), F.A.C., or the following qualifications: a high school diploma or GED, a National CDA or a state approved Florida CDA equivalent, three years of full-time experience in licensed family child care within the past five years, and completion of the 6-clock-hour Train-the-Trainer course developed by the department.
 - (e) The Department of Children and Family Services or its designated representative may require a trainer to attend a specific child care training module prior to being approved.
- (6) Annual In-service Training.
- (a) All child care facility personnel, must complete a minimum of 10-clock-hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.
 - (b) The annual 10-clock-hour of in-service training or 1 CEU, must be completed in one or more of the following areas:
 - 1. Health and safety; including universal precautions;
 - 2. CPR;
 - 3. First Aid (this training 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. Playground safety;
 15. Literacy;
 16. Guidance and discipline;
 17. Computer technology;
 18. Leadership development/program management and staff supervision;
 19. Age appropriate lesson planning;
 20. Homework assistance for school age care;
 21. Developing special interest centers/spaces and environments; or
 22. Other course areas relating to child care or child care management.
- (c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. CF-FSP 5268 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the child care facility for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.
- (7) Staff Credentials.
- (a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:
1. An active National Child Development Associate (CDA) Credential.
 2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, April 05, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare/training.
 3. An active state approved Florida CDA Equivalency (CDAE) credential.
 - a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, April 05, Application for Child Development Associate (CDA) Equivalency for Training

Programs, which is incorporated by reference, to the Department of Children and Family Services for approval. CF-FSP Form 5191 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

- b. The criterion for programs wishing to be recognized as a state approved CDA Equivalency is determined by the Department of Children and Family Services and is outlined on the Application for Child Development Associate (CDA) Equivalency Training Programs, CF-FSP 5191.
 - c. The Department of Children and Family Services will only approve CDA Equivalency programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.
4. Employment History Recognition Exemption.
- a. In addition to the requirements and time frames established in statute (a person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care between July 1, 1980 and July 1, 1995, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement), employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.
 - b. Documentation of employment history recognition must include notarized letters indicating previous employment or other forms of documentation such as W-2 forms, licensing records, or income tax return forms for each place of employment.
5. An active Florida School-Age Certification.
- a. Training providers seeking to offer the Florida School-Age Certification Training Program must utilize the Florida School-Age Certification Training Program as approved by the Department of Children and Family Services and must apply for approval on CF-FSP Form 5257, April 05, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference. The application may be obtained on the

Department of Children and Family Services' website at www.myflorida.com/childcare/training. Effective July 1, 2005, the Department of Children and Family Services will only approve Florida School-Age Certification Training Programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.

- b. In order to receive the Florida School-Age Certification, a candidate must have completed the Department of Children and Family Services, Florida School-Age Certification Training Program, which consists of the following:
 - (I) A total of 120 hours of training consisting of successful completion of Part I of the training for School-Age Child Care Personnel identified in paragraphs 65C-22.008(4)(a) and (b), F.A.C.; and a minimum of 80-clock hours of training using the Department of Children and Family Services approved curriculum, which focuses on the following six competency areas:
 - (A) Establishment and maintenance of a safe and healthy learning environment.
 - (B) The advancement of physical and intellectual competence.
 - (C) The support of social and emotional development and provision of positive guidance.
 - (D) The establishment of positive and productive relationships with families.
 - (E) Ensuring a well-run, purposeful program responsive to participant's needs.
 - (F) The maintenance of a commitment to professionalism.
 - (II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the Department of Children and Family Services, Florida School-Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.
 - (III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.

- (IV) 480 hours of direct contact with children in a school-age setting within the past five years.
- c. Individuals who are enrolled in an existing school-age certification training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age Certification requirement.
 - d. Individuals who successfully complete a school age training program offered by one of the branches of the U.S. Military will be recognized as having met the Florida School-Age Certification requirement.
 - e. Early Childhood Education Training providers that offer the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. Training providers must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative for processing upon completion of all components of the Florida School-Age Certification Training Program.
 - f. The Department of Children and Family Services or its designated representative will update the child care training transcript to document the successful completion of the Florida School-Age Certification Training Program.
 - g. To maintain a valid Florida School-Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college-credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the Department of Children and Family Services or its designated representative to verify completion of the required coursework. The Department of Children and Family Services or its designated representative will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.
- (b) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraph (a) 1. - 5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full time basis for

those facilities that operate 20 hours or less per week.

- (c) Calculation of Number of Personnel Necessary.
1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.
 2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing 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 2 credentialed staff members, and so on.
 3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.
 4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.
 5. In addition to CF-FSP Form 5206, April 05, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.
 6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.
- (d) CDA or CDAE Renewal. A CDA or CDAE must be renewed as specified in subparagraphs 1.- 6. below for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S.,
1. Florida CDAE Renewals. To maintain an active Florida CDAE, every 5 years a candidate must renew their Florida CDAE by completing the Florida CDAE Renewal Application, CF-FSP 5273, April 05, which is incorporated by reference and may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare/training. The Florida CDAE Renewal will be documented on CF-FSP 5270, April 05, Florida CDA Equivalency Certificate of Renewal, which is incorporated by reference. Renewal applications may be submitted no earlier than one year prior to the expiration date of the active CDAE certificate. The completed renewal application must be submitted to the Department of Children and Family Services and include documentation of the following criteria:
 - a. Proof of a current First Aid Certificate;

- b. Proof of 45 hours of professional education obtained within the past five years by meeting one of the following:
 - (I) At least 4.5 Continuing Education Units (CEUs);
 - (II) Three college credits in early childhood education/child development;
 - (III) Forty-five (45) clock hours of early childhood education/child development training completed at a Florida Career Education Center (public vocational or technical school), Florida Community Colleges, or an institution licensed by the Florida Commission for Independent Education.
 - (IV) Any combination of the professional education outlined in subparagraphs 65C-22.003(7)(d) 1.b. (I)-(III), F.A.C., listed above.
 - c. Proof of recent (within current year) work experience with young children or families of young children (a minimum of 80 hours);
 - d. Proof of recent (within current year) membership in a national, state or local early childhood professional organization;
 - e. A letter of recommendation regarding competency in working with young children, provided by an Early Childhood Education Professional such as the Child Care Facility Director, Assistant Director, Observer, or Lead Teacher; and
 - f. Copy of a CDA or CDAE credential.
 - g. The fee for processing the Florida CDAE renewal application shall be \$25.00. Payment must be via a business check or a money order. No personal checks will be accepted.
2. Individuals with a Florida CDAE credential obtained before December 31, 2003 will have the opportunity to renew this credential by submitting a completed Florida CDAE Renewal Application, CFFSP 5273, with the required documentation, by December 31, 2008. A Florida CDAE issued after December 31, 2003 will have a renewal date of 5 years from the date of issuance.
 3. If a CDAE credential is not renewed prior to the expiration date, an individual with an expired CDAE credential may submit a renewal application for a period up to three (3) years after the CDAE credential expiration date. The application will be reviewed, and if approved, a certificate issued with a five-year expiration date based on the date the completed renewal application is processed.
 4. National CDA Renewals. To renew a National CDA, individuals may contact the Council for Early Childhood

Professional Recognition, located in Washington, DC, at 1(800)424-4310, or follow the Florida CDAE renewal process outlined in subparagraphs 65C-22.003(7)(b) 1. – 4., F.A.C.

5. An individual with an expired CDA or CDAE is ineligible to be counted as a credentialed staff person pursuant to paragraph 65C-22.003(7)(a), F.A.C., until the CDA or CDAE credential is renewed or the individual meets one of the other qualifications listed in subparagraph 65C-22.003(7)(a) 1. – 4, F.A.C.

(e) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs 65C-20.003(7)(a)1 -5 of this section, are responsible for completing and submitting to the Department of Children and Family Services or its designated representative CF-FSP Form 5211, April 05, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.
2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, for the individual's records. The individual may also request a copy of CF-FSP Form 5206, from the Department of Children and Family Services or its designated representative, for a nominal fee determined by the Department of Children and Family Services.
3. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on-site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.

(8) Director Credential.

- (a) Pursuant to Section 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2004, which consists of the foundational level or the advanced level. As of January 1, 2004, 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 a director credential prior to issuance of the license to operate the facility.

1. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director.

The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

2. An individual may not be the director of child care facilities that has an overlap in the hours of operation.
 3. Each child care facility must have a director that is on site a majority of hours that the facility is in operation.
 4. The director credential must be posted in a conspicuous location at the facility.
- (b) As it relates to the director credential, the following exceptions 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 holding a foundational or advanced level Florida director credential may supervise multiple before-school and after-school sites. As of January 1, 2004, every applicant for a license to operate a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.
- (c) The foundational level applicants must meet the following educational and experiential requirements:
1. High school diploma or GED; and
 2. The Department of Children and Family Services' 30-clock-hour Introductory Child Care Training (Part I); and
 3. The Department of Children and Family Services' Special Needs Appropriate Practices module or a minimum of 8-hours of in-service training in serving children with disabilities; and
 4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state-approved Florida CDA Equivalency; the Florida School-Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and
 5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and
 6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential will be

- granted.
- (d) The advanced level applicants must meet the following educational and experiential requirements:
1. High school diploma or GED; and
 2. The Department of Children and Family Services 30-clock-hour Introductory Child Care Training (Part I); and
 3. The department's Special Needs Appropriate Practices module or a minimum of 8-hours in-service training or course in serving children with disabilities; and
 4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state-approved Florida CDA Equivalency; the approved Florida School-Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and
 5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and
 6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential will be granted.
- (e) All applications and documentation will be verified and credentials issued by the Department of Children and Family Services.
- (f) Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(8)(c)1.-4. and 6., F.A.C., and any of the following:
1. An A.S. degree in child care center management, or
 2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care management/administration, business administration or educational administration, or
 3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care management/administration,

4. business administration or educational administration, or
4. Five or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care and three college credit hours in child care management/administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.
- (g) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the Department of Children and Family Services with a minimum score of 70 percent.
- (h) Renewal.
1. To maintain an active temporary Director Credential or Director Credential at either level, every 5 years, candidates must have an active staff credential documented on CF-FSP 5206, Child Care Personnel Professional Development Confirmation Form, and 4.5 Continuing Education Units (CEUs), or three college credit hours in any one of the curriculum areas listed in subparagraph 65C-22.003(8)(c) 5., F.A.C. Coursework must be in addition to the original coursework required for the credential. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following:
 - a. Serve as an officer or committee member in a professional organization related to the field of early childhood or school age programs;
 - b. Make presentation or provide training in the field of early childhood or school age programs;
 - c. Serve as a validator or advisor for a Florida-recognized accreditation program, as a CDA advisor, or as a school-age certification representative for the Florida School-Age Certification Training Program;
 - d. Advocate for an issue in the field of early childhood or school age programs;

- e. Publish an item related to the field of early childhood or school-age program;
 - f. Document program improvements by completing a Florida-recognized accreditation program;
 - g. Serve as a consultant or mentor to another early childhood or school age program;
 - h. Participate in an educational research or innovation project related to early childhood or school age programs; or
 - i. Participate in a creative activity, outside of the candidate's child care program, relating to the field of early childhood or school-age programs.
- 2. A Director Credential issued prior to January 1, 2004, will have an initial renewal date of January 1, 2009, and every 5 years thereafter. A Director Credential issued after January 1, 2004, will have an initial renewal date after 5 years and every 5 years thereafter. The completed application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential certificate no earlier than one year prior to the expiration date of the active Director Credential. The renewal date will be determined by the active Director Credential expiration date.
 - 3. If a renewal application is received after the Director Credential expiration date, the Director Credential renewal application will be reviewed, and if approved, a certificate issued with a five-year expiration date based on the date the completed renewal application is processed.
 - 4. An individual with an inactive Director Credential is ineligible to be the director of a child care facility.
- (i) Coursework Recognition and Approval.
 - 1. The Department of Children and Family Services is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for the Director Credential. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for course review and approval, hereby incorporated by reference. Course work will be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential, Curriculum Areas," hereby incorporated by reference, and copies of which can be obtained from the Department of Children and Family Services.
 - 2. A list of approved courses must be maintained and will be available through the Department of Children and Family

Services.

- (j) Before-school and after-school sites.
 - 1. A director holding a foundational or advanced Director Credential may supervise multiple before-school and after-school sites for a single organization as follows:
 - a. Three sites regardless of the number of children enrolled, or
 - b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.
 - c. In counties where the public school district has included 4-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 4-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 65C22.003(7)(a)1. - 5., F.A.C., in order to accommodate the 4-year-old children.
 - 2. When a credentialed director is supervising multiple sites, the person left in charge of the site during the director's absence must meet the following requirements:
 - a. Be at least 21 years of age;
 - b. Have completed the approved 40-clock-hour Introductory Child Care Training (Parts I and II), approved by the Department of Children and Family Services; and
 - c. Have completed the Department of Children and Family Services basic training in serving children with special needs, by completing the Part II, specialized training module, Special Needs Appropriate Practices, or through completion of a minimum of 8 hours of in-service training in serving children with disabilities; or
 - d. Have completed the Department of Children and Family Services School Age Appropriate Practices specialized training module.

Specific Authority 402.305 F.S. Law Implemented 402.302, 402.305, F.S. History --New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 42-02, 7-13-03, 9-12-04, 6-30-05.

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. With a child, the 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 the child to become red or blue in the face or 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. Conjunctivitis (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 who has head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred.
- (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 sanitized easily. Linens and disposables shall be changed after each use. Until cleaned or disposed, the used linens and disposables shall be kept in a closed container in the isolation area. 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. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in subparagraphs (2)(a)1.-10., within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.
- (2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.
- (a) Each child care facility must have at least one staff member with a valid certificate of course completion for first aid training and infant and child cardiopulmonary resuscitation procedures. One staff

member satisfying these training requirements shall be present at all times that children are in the care of the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off.

- (b) Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.
- (c) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must at a minimum include:
 - 1. Soap,
 - 2. Band-aids or equivalent,
 - 3. Disposable latex 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, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in day 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 must be documented and shared with the custodial parent or legal guardian on the day they occur.
 4. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, in order for the licensing authority to ensure health standards are being met for continued operation.
- (3) Medication. Child care facilities are not required to give medication, however, if they choose to do so, the following shall apply:
- (a) 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. For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication.
 - (b) All medicines must have child resistant caps and shall be stored separately and locked or placed out of a child's reach.
 - (c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

Specific Authority 402.302, 402.305 F.S. Law Implemented 402.302, 402.305 F.S. History—New 6-1-97, Amended 3-17-99, 7-2600, 4-2-02, 7-13-03, 9-12-04.

65C-22.005 Food and Nutrition. –

- (1) Nutrition.
 - (a) If a facility chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, 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 one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the licensing authority or the

local county health department. Using the USDA Food Guide Pyramid for Young Children; 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.

- (b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.
 - (c) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file. Special food restrictions must be shared with staff and must be posted in a conspicuous location.
 - (d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu.
- (2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section, to prepare food shall meet the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.
- (3) Food Service.
- (a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages.
 - (b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.
 - (c) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.
 - (d) Facilities shall provide sufficient seating so that children are seated at tables for meals.
 - (e) Single service paper or plastic plates, utensils, and cups shall not be reused.

Specific Authority 402.305 F.S. Law Implemented 402.305 F.S. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04.

65C-22.006 Record Keeping. –

- (1) General Requirements.
 - (a) All records required to document compliance with Section 402.305, F.S., shall be maintained at the facility and available during the hours of operation for review by the licensing authority.
 - (b) 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 a current and completed DH Form 3040, June 2002, Student Health Examination for each child in care, within 30 days of enrollment and maintaining a current copy on file while the child is enrolled at the facility. DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.
- (b) The Student Health Examination is valid for two (2) years from the date the physical was performed.
- (c) The child care facility is responsible for obtaining a current and completed DH Form 680, Florida Certification of Immunization Part A-1, B, or C (July 2001), or DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681, which are incorporated by reference in subsection 65D-3.011(9), F.A.C., can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out of state are acceptable, however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.
- (d) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.
- (e) Medical records are the property of the custodial parent or legal guardian when the child withdraws from the facility and are transferable if the child attends another facility.

- (3) Medication Records.
- (a) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and signature of the custodial parent or legal guardian shall be maintained by the facility. This record shall be initialed or signed by the facility personnel who gave the medication.
 - (b) This record shall be maintained for a minimum of four months after the last day the child received the medication.
- (4) 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, Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the Department of Children and Family Services form. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.
- (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 that the child care facility has provided the following information to parents:
 - 1. The Department of Children and Family Services child care facility brochure, CF/PI 175-24, March 2002, Know Your Child Care Center, which is incorporated by reference. This brochure may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/information. Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, containing all the information required by the Department of Children and Family Services.
 - 2. The child care facility's written disciplinary practices.
- (5) 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) Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.
 - (d) Level 2 screening information documented on CF-FSP Form 5131, Feb. 04, Background Screening and Personnel File Requirements.

A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. A person in this category must undergo the same level of screening which was required upon initial employment. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Aug. 04, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.

- (e) Copies of training information and credentials.
 - (f) Driver's license and driver physical examination documentation. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.
- (6) Other Records.
- (a) Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four months.
 - (b) Record of accidents and incidents shall be documented daily and maintained for one year. 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.
 - (c) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.
 - (d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken

to evacuate the premises. Each monthly record shall be maintained for a minimum of four months from the date of the fire drill.

- (e) Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement shall be kept on file at the child care facility.
- (f) Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.
- (g) Daily meal and snack menus shall be maintained for a minimum of one month.
- (h) Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

Specific Authority 402.305 F.S. Law Implemented 402.305 F.S. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04.

65C-22.007 Evening Child Care. –

- (1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during the 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 centers which only provide 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) Child Development Associate or credentialed staff is not required for Evening Child Care staff.
 - (c) Director credentialed staff is not required of Evening Child Care as defined in subsection 65C22.007(1), F.A.C.

Specific Authority 402.302, 402.305 F.S. Law Implemented 402.302, 402.305 F.S. History–New 7-2-98, Amended 9-12-04.

65C-22.008 School Age Child Care. –

- (1) Definitions.
 - (a) “School Age Child” – means a child who is at least five years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade 5.
 - (b) “School Age Child Care Program” – means before and after school programs that are licensed as child care defined in Section

402.302, F.S., and serve only school age children as defined in paragraph 65C22.008(1)(a), F.A.C.

- (c) “An After School Program Serving School Age Children” is not required to be licensed if the program meets one of the following criteria:
1. Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or
 2. Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, and tutorial/academic activities of that program and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or
 3. After school programs that meet all the following criteria:
 - a. Operate for a period not to exceed a total of 4 hours in any one day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and
 - b. Allow children to enter and leave the program at any time, without adult supervision; and
 - c. Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and
 - d. Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or
 4. Programs providing after school care exclusively for children in grades 6 and above.

- (2) Licensure Requirements.
- (a) A program that meets the definition of “An After School Program Serving School Age Children” is not required to be licensed.
 - (b) An after school program exempted under subparagraph 65C-22.008(1)(c)1. or 3., F.A.C., may become licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(3), F.A.C.
 - (c) After school programs that choose to expand their program beyond the parameters in subparagraphs (1)(c)1. through 4., above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school age child as defined in paragraph 65C-22.008(1)(a), F.A.C., above must be licensed.
- (3) School Age Child Care Standards. The following school age child care standards apply to “School Age Child Care Programs” as defined in paragraph 65C-22.008(1)(b), F.A.C. These programs must meet the following licensing standards:
- (a) Application. Application must be made on CF-FSP Form 5272, Feb. 2004, Application for a License to Operate a School Age Child Care Program, which is incorporated by reference.
 - (b) License. A school age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school age child care program is operating.
 - (c) All provisions under subsections 65C-22.001(1)(b) through (e), (3), (5)(c) through (d), (6), (8), and (9), F.A.C.
 - (d) Ratios. For children 5 years of age and older, there must be one child care personnel for every 25 children.
 - (e) Supervision. When caring for school age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.
 - (f) All provisions under paragraphs 65C-22.002(1), (2)(b) through (d), (5)(a), (6)(a), (b), (c), (f), and (g), F.A.C., are required of school age child care programs, except a bath facility.
 - (g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C-22.002(3)(a) through (c) and 65C-22.002(4)(a) through (e), F.A.C. However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to either usable indoor floor space as specified in subsection 65C-22.002(3), F.A.C., or outdoor play area as specified in subsection 65C-22.002(4), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to

- accommodate instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.
- (h) If not requesting an exemption to the outdoor play area, the school age child care program may operate without a fence if all the following provisions are met:
1. The children using the outdoor play area are in five year old kindergarten and grades one or above;
 2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, at all times during outdoor activities, to assist in providing direct supervision;
 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.
- (i) Fire Safety. School age child care programs must meet all provisions under subsection 65C22.002(7), F.A.C. However the program may seek an exemption 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. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and if granted, the exemption must be documented and maintained on file at the program.
- (j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1. through 3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.
- (k) Equipment and Furnishings. All provisions as applicable, under subsection 65C-22.002(9), F.A.C., must be met.
- (l) All provisions under subsections 65C-22.004(1), (2), and (3), F.A.C., must be met.
- (m) All provisions under subsections 65C-22.005(1), (2), (3)(a) and (c), F.A.C, as it pertains to age appropriate food and heated food only, and paragraph 65C-22.005(3)(e), F.A.C. School age child care programs may seek an exemption from the environmental health

standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

- (n) All provisions under subsections 65C-22.006(1), (3), (4), (5) and (6), F.A.C., must be met. School aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school age child care program as such records are on file at the school where the child is enrolled.
- (4) School Age Child Care Personnel Training Requirements.
 - (a) Child care personnel must complete 40 hours of child care training by completing the following 20 hours of the Department of Children and Family Services' training as evidenced by passage of a competency examination with a score of seventy (70) or better:
 - 5. State and Local Rules and Regulation;
 - 6. Health, Safety, and Nutrition;
 - 7. Identifying and Reporting Child Abuse & Neglect; and
 - 8. School Age Appropriate Practices.
 - (b) The remaining 20 hours must be met by successfully completing other Department of Children and Family Services' training identified in paragraphs 65C-22.003(2)(a) and (b), F.A.C., or by completing 20 hours of specialized school age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).
 - (c) Child care personnel are exempt from the training requirement of 5-clock-hour early literacy and language development of children from birth to 5 years of age, under paragraph 65C-22.003(2)(d), F.A.C.
 - (d) Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.
 - (e) All provisions under subsection 65C-22.003(6), F.A.C., must be met.
 - (f) School age child care programs are exempt from the staff credentialing requirement in subsection 65C-22.003(7), F.A.C.
 - (g) All provisions as applicable under subsection 65C-22.003(8), F.A.C., must be met. A director holding a foundational or advanced Director Credential may supervise multiple sites as specified in paragraph 65C-22.003(8)(j), F.A.C.

Specific Authority 402.302, 402.305 F.S. Law implemented 402.302, 402.305 F.S. History-New 9-12-04.

Appendix A:

**Gold Seal Quality Care Program: A Side-by-Side Comparison
of Florida Approved Accreditation Programs**

Gold Seal Quality Care Program: A Side-by-Side Comparison of Florida Approved Accreditation Programs

PREFACE

The Gold Seal Quality Care Program, created by the Florida Legislature in 1996, acknowledges child care facilities and family child care homes that are accredited by a nationally recognized association and whose standards reflect quality child care. Section 402.281, Florida Statutes, stipulates that child care programs that are accredited by a nationally recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care (NAFCC), and the National Early Childhood Program Accreditation Commission (NECPA) shall receive a separate “Gold Seal Quality Care” designation to operate as a gold seal child care facility, large family child care home, or family day care home.

This side-by-side comparison of Florida Gold Seal Quality Child Care approved accreditation programs provides public policy makers with a comprehensive look at accreditation standards, which guide early childhood programs that choose to participate in the Gold Seal Quality Child Care Program.

GOLD SEAL QUALITY PROGRAM LEGISLATION

Section 402.281, Florida Statutes, Gold Seal Quality Care Program

1

Child care facilities, large family child care homes, or family day care homes that are accredited by a nationally recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission shall receive a separate “Gold Seal Quality Care” designation to operate as a gold seal child care facility, large family child care home, or family day care home.

2

In developing the Gold Seal Quality Care program standards, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children’s Forum, the State Coordinating Council for Early Childhood Services, the Early Childhood Association of Florida, the National Association for Child Development Education, providers receiving exemptions under s. 402.316, and parents, for the purpose of approving the accrediting associations.

FLORIDA APPROVED GOLD SEAL ACCREDITATION PROGRAMS

Accredited Professional Preschool Learning
Environment (APPLE)
FACCM Membership
12811 Kenwood Lane, Suite 112
Fort Myers, Florida 33907
1-877-634-9874
www.faccm.org

Association of Christian Schools International
(ACSI)
461 Plaza Drive, Suite C
Dunedin, FL 34698
(727) 734-7096
www.acsi.org

Association of Christian Teachers and Schools
(ACTS)
Florida League of Christian Schools (State
Chapter)
1445 Boonville Avenue
Springfield, MO 65802
(417) 862-2781
www.acts.ag.org/acts/

Council on Accreditation (COA)
120 Wall Street, 11th Floor
New York, NY 10005
(212) 797-3000
www.coanet.org

Montessori School Accreditation Commission
(MSAC)
4043 Pepperwood Court, Suite 1010
Sonoma, CA 95476
(707) 935-8499
www.montessori-msac.org

National Accreditation Commission for Early Care
and Education Programs (NAC)
P.O. Box 90723
Austin, TX 78709-0723
(800) 537-1118 or (512) 301-5557
www.naccp.org

National Accreditation Council for Early
Childhood Professional Personnel and Programs
(NACECPPPP)
3612 Bent Brach Court
Falls Church, VA 22041
(703) 941-4329

National AfterSchool Association (NAA)
1137 Washington St.
Dorchester, MA 02124
(617) 298-5012
www.nsaca.org

National Association for the Education of Young
Children (NAEYC)
1509 16th Street, N.W.
Washington, D.C., 20036-1426
(202) 232-8777 or (800) 424-2460
www.naeyc.org

National Association of Family Child Care
(NAFCC)
5202 Pinemont Drive
Salt Lake City, UT 84123
(801) 269-9338
www.nafcc.org

National Council for Private School Accreditation
P.O. Box 13686
Seattle, WA 98198-1010
(253) 874-3408
www.ncpsa.org

National Early Childhood Program Accreditation
(NECPA)
126C Suber Road
Columbia, SC 29210
(800) 505-9878
www.necpa.net

Southern Association of Colleges and Schools
(SACS)
1866 Southern Lane
Decatur, GA 30033
(404) 679-4500
www.atlantahighered.org/resources/sas.asp

United Methodist Association of Preschools
Florida Chapter of UMAP
P.O. Box 3767
Lakeland, FL 33802
(800) 282-8011 or (941) 408-1480
www.umapfl.com

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Department of Children Families - Gold Seal Quality Care Program Side by Side

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REGULATORY REQUIREMENTS

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>Programs must be licensed or regulated and in good standing for the past 12 months, unless exempt. Exempt programs that are eligible for licensure or regulation are required to be licensed or regulated. If not permitted to be licensed or regulated by the state, programs must document compliance with criteria specially created for this purpose by NAEYC.</p>	<p>Programs must hold a license in good standing with the state agency responsible for licensing early childhood programs. License exempt facilities must provide a copy of the rules and regulations for licensed programs, demonstrate compliance, and have proof of oversight and regular monitoring visits.</p>	<p>Programs must have a current license, registration, or certificate – the highest level of regulation available for family child care in their state. Programs must comply with NAFCC Accreditation standards even if they are higher than state standards. If state standards are higher, compliance with those standards is also required.</p>	<p>Programs must be licensed by the state or local agency in whose jurisdiction the program is located, unless exempt. Exempt facilities standards must be at least equal to those required by the licensing authority. Centers must provide inspection reports covering a twelve-month period.</p>	<p>Programs must be licensed or legally operating. Programs with full and partial exemptions from regulation must provide certification of exemption status.</p>	<p>Programs must be licensed by appropriate state or local agencies if required and meet or exceed standards in areas such as health, safety, background screening and training. Programs exempt from state or local licensing may apply for ACSI preschool accreditation.</p>	<p>Program must be in compliance with state and local licensing and regulatory requirements. Programs that are fully or partially exempt from regulation must certify that they would meet regulatory standards, especially as related to basic health and safety of children.</p>

State Requirements: The State of Florida requires licensure of center-based child care programs and large family child care homes, registration of family child care homes, and exempts from licensure school-based child care programs and programs that are an integral part of a church or parochial school (exempt facilities must demonstrate adherence to health and safety requirements). See Florida Statutes, Chapter 402.301-319 and Florida Administrative Code 65C-20, 21, and 22.

REGULATORY REQUIREMENTS

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
Programs must operate in accordance with all applicable state and local regulations.	The school must operate in accordance with all applicable state, district, and local regulations.	Programs must maintain religious exemption status as described by Florida Statute.	Programs must operate in accordance with all applicable state and local regulations.	Programs must be licensed and operate in accordance with all applicable state and local regulations.	Programs must be in compliance with civil authorities.	Family child care homes and child care centers must operate in accordance with all applicable statutory requirements.

State Requirements: The State of Florida requires licensure of center-based child care programs and large family child care homes, registration of family child care homes, and exempts from licensure school-based child care programs and programs that are an integral part of a church or parochial school (exempt facilities must demonstrate adherence to health and safety requirements). See Florida Statutes, Chapter 402.301-319 and Florida Administrative Code 65C-20, 21, and 22.

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GROUP SIZE AND STAFF-CHILD RATIO

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)																																																																																																																																																																				
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STAFF STANDARDS – AGE REQUIREMENTS

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
Staff who work directly with children must be 18 years of age or older.	All staff counted in the staff-to-child ratio must be at least 18 years old. The director must be 21 years of age or older.	The provider must be at least 21 years old. The assistant to the provider must be at least 16 years old and work under the direct supervision of the provider unless they meet all the qualifications of a substitute. The substitute must be at least 18 years old.	Teaching staff must be at least 18 years old. The director must be 21 years of age or older.	All staff counted in the staff-to-child ratio must be at least 18 years old. Staff under the age of 18 must work under direct supervision.	All staff counted in the staff-to-child ratio must be at least 18 years old. Volunteers or other staff must be at least 16 years old and work under the direct supervision of a trained adult staff member at all times.	Programs must comply with current state and local requirements.

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State Requirements: Child care center operators must be 21 years of age or older. Personnel must be at least 16 years of age if providing direct supervision of children. See Florida Statutes, Chapter 402.305 (2).

STAFF STANDARDS – AGE REQUIREMENTS

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
Programs must comply with current state and local requirements.	Programs must comply with current state and local requirements.	The operator of a child care facility must be at least 21 years old, and in the absence of the operator, there must be a person at least 21 years old in charge of the facility and on the premises at all times. Staff must be at least 16 years old. Fifteen year olds may be employed, but must be under direct supervision, may not be in charge of a class or group of children, and may not be counted in the staff-to-child ratio.	The assistant group leader must be at least 16 years old. No additional age requirements are listed.	The administrator must be at least 21 years old, and teachers and teacher-aides must be at least 18 years old. Student assistants must be under the direct supervision of the administrator, teacher, or teacher-aide.	Programs must be in compliance with the requirements of civil authorities.	Teachers, aides, and family child care providers must be at least 18 years old.

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State Requirements: Child care center operators must be 21 years of age or older. Personnel must be at least 16 years of age if providing direct supervision of children. See Florida Statutes, Chapter 402.305 (2).

STAFF STANDARDS – TEACHER CREDENTIALS

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>At least 2 of the 3 following requirements must be met:</p> <ul style="list-style-type: none"> Teacher supervisors must have specialized college-level coursework. Teachers must have a minimum of CDA or equivalent and be working toward an associate or baccalaureate degree. Assistant teachers must have a high school diploma or GED, 50% must have a CDA or be making progress toward attainment of CDA. 	<p>Lead teachers must have a minimum of one year of related experience and either:</p> <ol style="list-style-type: none"> at least a baccalaureate degree ECE/child development, or at least two years of experience and an Associate Degree in ECE/child development. <p>Teachers and assistant teachers (directly supervised by lead teachers) must have at least a high school diploma or GED and complete a minimum of 30 clock hours of related training within the first year of employment.</p>	<p>The provider must have:</p> <ul style="list-style-type: none"> A high school diploma or GED Current Pediatric First Aid and CPR certificates <p>The substitute must hold current Pediatric First Aid and CPR certificates.</p>	<p>Teacher assistants must have at least some training in child development, health, safety, nutrition, abuse reporting and rules and regulations governing child care. Lead or head teachers must have at least a CDA or documentation of enrollment in CDA coursework.</p>	<p>The majority of staff members responsible for the instruction of children will have:</p> <ul style="list-style-type: none"> A minimum of 2 years of child care experience and a minimum of 24 college credit hours in child development or related field OR A two-year degree in ECE/Child Development or related field OR Experience and relevant training in early childhood with progress toward a credentialed/degreed program. 	<p>Lead teachers in each age group must have or must be working on a minimum of a preschool associate's credential or an equivalency. Staff must have adequate training and/or experience that meets or exceeds state standards.</p>	<p>The program must comply with current state and local requirements.</p>

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State Requirements: For every 20 children, one child care personnel must have a Child Development Associate Credential or equivalent. Within 1 year of employment, licensed program staff must complete an approved 40-hour training course and an approved 5 clock hour early literacy course. See Florida Statutes, Chapter 402.305 (2).

STAFF STANDARDS – TEACHER CREDENTIALS

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
<p>All staff must be in compliance with state and local regulations. Head teachers must accumulate a minimum number of points required for accreditation. The point system encompasses the following areas:</p> <ul style="list-style-type: none"> • Montessori certification from a Montessori accredited program or equivalent • Years of experience as a Montessori certified • teacher (at the age level of the class currently teaching) • Years of experience in a Montessori classroom without Montessori certification • College degrees 	<p>Teachers must have earned at least:</p> <ul style="list-style-type: none"> • A bachelor’s degree with a major or a minimum of 24 • semester hours in the assigned area of teaching, and • 12 semester hours in professional education as a part of, or in addition to the degree, or meets the legal qualifications of the state in which employed. <p>The standard is also met by teachers who:</p> <ul style="list-style-type: none"> • Hold a valid certification from another state, or • Hold a bachelor’s degree and are earning at least 6 semester hours each year in a program leading to valid certification. 	<p>All child care personnel, except volunteers or substitutes who work less than 40 hours a month, must take a Florida DCF approved 30/10 clock-hour introductory course in child care. At least one adult staff member must have a current certification in state approved and age appropriate first aid and CPR and must be on the premises during operating hours.</p>	<p>Senior Group Leaders must have a bachelor’s degree in a related field OR have a bachelor’s degree in an unrelated field, or an associate’s degree coupled with specified experience and credit hours in child/youth development and other SAC related areas. Requirements for Group Leaders are similar but also include an option for having a high school diploma or GED coupled with specified experience and training. Assistant Group Leaders may have no experience, but must have a comprehensive orientation and in-service training.</p>	<p>All staff must be in compliance with state and local regulations.</p> <p>Teachers must have a high school diploma or GED. In addition, teachers must have or be actively pursuing a CDA or equivalent or at least an associates degree (with at least 6 credits in ECE). Teachers and teacher-aides are required to complete a 5-hour “Emergent Literacy” course.</p>	<p>Teachers are required to have a minimum of either an associate’s degree in ECE/child development or any associate’s degree with at least 12 credit hours in ECE/child development. Assistant teachers are required to have a minimum of a state/nationally recognized competency credential (e.g., CDA) or 2 years of experience in the field with at least 12 clock hours of ECE/child development training.</p>	<p>Family child care providers are required to have a high school diploma or GED and at least 45 hours of related training within the last 3 years. Center-based teachers must have at least a CDA or CCP credential or a relevant associate’s degree in ECE/child development. Assistant teachers and aides must have at least a high school diploma or GED and a minimum of 30 hours of related training within the first year of employment.</p>

191

State Requirements: For every 20 children, one child care personnel must have a Child Development Associate Credential or equivalent. Within 1 year of employment, licensed program staff must complete an approved 40-hour training course and an approved 5 clock hour early literacy course. See Florida Statutes, Chapter 402.305 (2).

STAFF STANDARDS – ADMINISTRATOR CREDENTIALS

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>Program administrators must have at least a baccalaureate degree with at least 9 credit hours in administration and at least 24 credit hours in early childhood or child development OR document that a plan is in place to meet these requirements within 5 years.</p>	<p>The director must have:</p> <ul style="list-style-type: none"> • An undergraduate degree in ECE, child development, social work, nursing, or related field, • At least four college courses in ECE/child development and 2 years teaching experience, or • A national competency-based credential (e.g., CCD, CDA) and 2 years teaching experience. <p>Directors must also have a National Administrator Credential (or equivalent), or a course in business administration, or at least one year early childhood administrative experience.</p>	<p>The provider must hold a high school diploma or GED.</p>	<p>The director must have:</p> <ul style="list-style-type: none"> • Florida Director Credential • CDA • Two years experience in a child care setting 	<p>The administrator must have:</p> <ul style="list-style-type: none"> • A minimum of 2 years of child care experience and 24 college credit hours in child development or related field and 3 college credit hours in education/ business administration OR • A two-year degree in ECE/Child Development or related field and at least 3 credit hours in education/ business administration OR • Experience and relevant training in early childhood with evidence of progress toward a credentialed/ degreed program. 	<p>The administrator must have:</p> <ul style="list-style-type: none"> • Adequate professional training (an associates degree in ECE/child development or an equivalent certification is recommended but not required). • Received additional administrative training or obtained administrator credential. 	<p>The administrator must be in compliance with all applicable statutory requirements.</p>

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State Requirements: Directors must have an approved Administrator Credential. See Florida Statutes, Chapter 402.305 (2).

STAFF STANDARDS – ADMINISTRATOR CREDENTIALS

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
<p>The administrator must meet current state and local requirements. In addition, administrators must accumulate a minimum number of points required for accreditation. The point system encompasses the following areas:</p> <ul style="list-style-type: none"> • Montessori certification • Years of experience as a Montessori school administrator • College or university degrees • Years of experience as a non-Montessori school administrator • Years of teaching experience in a Montessori classroom. 	<p>Administrators must have earned at least: A bachelors degree in ECE, child development, or elementary education, and a minimum of 6 hours of graduate credits per year until a master's degree is earned or meets the legal qualifications of the state in which employed</p> <p>School district/system administrators must have earned:</p> <ul style="list-style-type: none"> • A graduate degree with 18 hours in administration or meets the legal qualifications of the state in which employed. 	<p>The administrator must have a high school diploma or GED, child care experience or direct contact with children in a church environment, Florida DCF required training, and one of the following:</p> <ul style="list-style-type: none"> • A training certificate in Child Guidance, Care and Management from an approved educational agency • A recognized Montessori teaching certificate if using Montessori curriculum • A bachelor's degree in ECE/child development or related field OR 2 years of college with 6 or more hours in child development • CDA 	<p>The program administrator must have:</p> <ul style="list-style-type: none"> • 1 year experience, an associate's or bachelor's degree in related field with 3 credit hours in child/youth development and 3 hours in administration. • Degrees in unrelated fields are recognized with additional years of experience and training. <p>The Site Director must have:</p> <ul style="list-style-type: none"> • 6 months experience, • Bachelor's degree in related field with (3) credit hours in child/youth development and SAC related areas. • Degrees in unrelated fields are recognized with additional years of experience and training. 	<p>Administrators must have a high school diploma or GED and a Director Credential, including a course in management, a CDA, one year or more of experience as a director, and completion of a 5-hour "Emergent Literacy" course.</p>	<p>Administrators must have obtained a minimum of a bachelor's degree or its equivalent in ECE/child development or another area with 24 credit hours in ECE/child development. In addition, administrators must have at least 12 credit hours in administration or one year of administrative experience.</p>	<p>Administrators must have at least a bachelor's degree in ECE, child development, or social work and related field experience.</p>

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State Requirements: Directors must have an approved Administrator Credential. See Florida Statutes, Chapter 402.305 (2).

STAFF STANDARDS – PRE-SERVICE TRAINING

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>New staff, volunteers, and substitutes are adequately oriented about the program. Orientation includes knowledge regarding the goals and philosophy of the program; emergency, health and safety procedures; guidance and classroom management techniques; child abuse and neglect reporting procedures; curriculum and planned daily activities; individual needs of children; regulatory requirements; and expectations for ethical conduct.</p>	<p>Pre-service training is not specifically addressed; there are educational and experiential requirements identified for teachers and administrators.</p>	<p>The program must comply with state and local training regulations.</p>	<p>Orientation for new employees should be provided, addressing policies and procedures, the importance of appropriate teacher-child interaction, staff expectations, and state or local training requirements.</p>	<p>The program must comply with state and local training regulations.</p> <p>In addition, the program must have a written orientation plan for new employees.</p>	<p>The program must comply with state and local training regulations.</p>	<p>The program must operate in accordance with all applicable statutory requirements.</p>

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State Requirement: At least one personnel with First Aid and CPR training must be on-site at all times. Family child care providers must complete the required 30-hour-training course prior to providing care. See Florida Statutes, Chapter 402.305 (7) and 402.313.

STAFF STANDARDS – PRE-SERVICE TRAINING

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
The program must comply with state and local training regulations.	The program must comply with state and local training regulations.		A comprehensive orientation to the program philosophy, routines, and practices is required.	The program must comply with state and local training regulations.	The program must be in compliance with requirements of civil authorities. New staff must be provided with a thorough orientation.	Family child care providers and center-based staff must operate in accordance with all applicable statutory requirements.

State Requirement: At least one personnel with First Aid and CPR training must be on-site at all times. Family child care providers must complete the required 30-hour-training course prior to providing care. See Florida Statutes, Chapter 402.305 (7) and 402.313.

STAFF STANDARDS – IN-SERVICE TRAINING

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>All staff evaluates and improves their performance based on ongoing reflection and feedback from supervisors, peers, and families. Annual individualized professional development plans are developed and guide continuous professional development and training.</p>	<p>Directors and all staff must have at least 30 clock hours of job-related continuing education in the first year of employment and 24 clock hours of continuing education each year thereafter. Continuing education is encouraged through tuition reimbursement or financial assistance, and staff is encouraged to join and participate in professional organizations.</p>	<p>The Provider:</p> <ul style="list-style-type: none"> • Seeks continuing training and education, and is open to new ideas about family child care. • Keeps up-to-date with topics related to program quality. • Consults with experts to gain specific information, such as how to work with children and families with special needs. • Is actively involved with other providers or a related professional group, if available. 	<p>Evidence of in-service training must be documented yearly and training should cover a broad range of early childhood related issues and concerns.</p>	<p>Programs provide written procedures for initial and ongoing staff training plans for professional development, and the staff evaluation process is utilized in determining staff training needs and developing a training plan. The annual training plan for the director/administrator includes topics related to business administration. The annual training plan for staff includes topics related to the age group of children with whom they are working.</p>	<ul style="list-style-type: none"> • Instructional staff: • Are trained, at least annually on the • Preschool's Christian • Philosophy and on employee policies. • Participate annually in a minimum of 10 documented hours of continuing education and professional development that relates to child learning and development or related topics. 	<p>Programs must meet current state and local requirements.</p>

State Requirements: Licensed program staff and family child care providers must complete 1 CEU or 10 clock hours of approved training each year. See Florida Statutes, Chapter 402.305 (2) and 402.313.

STAFF STANDARDS – IN-SERVICE TRAINING

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPA)	Council on Accreditation (COA)
<p>Schools are required to support in-service training for their staff by identifying the following requirements for continuing education/professional development:</p> <ul style="list-style-type: none"> • State Requirements • School Requirements • Suggested avenues for satisfying this requirement • School's expectations for approval for satisfying this requirement 	<p>Six semester hours of credit or the equivalent for each five-year period of employment are required.</p>	<p>All child care personnel, except volunteers and substitutes who work or assist less than forty (40) hours a month, must complete 10-clock-hours of annual in-service training. There are no exemptions from the annual in-service training for child care personnel: however, during the first year of employment the ten (10) hours of in-service training is included within the forty (40) hour training.</p>	<p>Program administrators must have at least 30 hours of training annually. Site Directors must have at least 24 hours of training annually. Program Administrators and Site Directors receive training in program management and supervision. Senior Group Leaders must have at least 21 hours of training annually. Group Leaders must have at least 18 hours of training annually. Assistant Group Leaders must have at least 15 hours of training annually.</p>	<p>Program administrators must commit to continued training in ECE. Teachers and teacher-aides are required to complete 10 in-service training hours or 1 C.E.U. per year.</p>	<p>Program administrators and all instructional staff must obtain a minimum of 12 clock hours per year of professional development.</p>	<p>Programs must provide personnel development and training opportunities at least once every quarter.</p>

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State Requirements: Licensed program staff and family child care providers must complete 1 CEU or 10 clock hours of approved training each year. See Florida Statutes, Chapter 402.305 (2) and 402.313.

CURRICULUM

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>The curriculum includes the goals of the program, planned activities, the daily schedule, and the availability and use of developmentally appropriate materials. Curriculum is respectful of family values and language, guides responsive interactions, supports engagement through play, guides assessment and integration of assessment results into classroom experiences, and supports aesthetic, cognitive, emotional, language, physical, and social development.</p>	<p>The program has written curriculum plans based on knowledge of child development and appropriate practice; assessment of individual needs and interests; input from teachers, cultural sensitivity; progress reports; and the social, emotional, cognitive, physical and language development of individual children. The curriculum plan is reviewed annually, plans are developed for children with special needs, and a variety of developmentally appropriate materials and activities are provided to sustain curriculum plans.</p>	<p>A curriculum is not specified; however, developmental learning goals are addressed in the areas of social and self development, physical development, cognition and language and creative development. In addition, child directed activities and provider activities are addressed and suggested materials lists are included.</p>	<p>Each classroom or age group has a written schedule and a written curriculum outline that defines the expectations for learning and development for that age group. The curriculum is developed with a solid understanding of child growth and development and reflects new research and theory in early childhood education. The curriculum may be purchased or it may be self developed providing it is appropriate to the age and developmental level of the group.</p>	<p>Each teacher has a written lesson plan that is appropriate to the developmental stage of children, and the planned daily schedule includes a balance of activities that respect children's age appropriate needs and interests. Materials, activities, and classroom arrangement encourage children to participate in a variety of age appropriate activities.</p>	<p>The instructional program meets the spiritual and educational needs of the children (including children with special needs) and encourages their spiritual, intellectual, language, math and science, emotional, social, and physical growth. The curriculum acknowledges differences in children, and the daily schedule includes a balance and variety of curriculum activities. Written goals and objectives reflect the sequence of development of various age groups, and lesson plans reflect these goals and objectives.</p>	<p>Programs must meet current state and local requirements.</p>

State Requirements: Programs must post a written daily plan of activities. See Florida Statutes, Chapter 402.305.

CURRICULUM

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPA)	Council on Accreditation (COA)
<p>The school provides a comprehensive educational curriculum based on the Montessori planes of development and implemented by skilled instructional staff. Curriculum planning for different age levels must be based on the capabilities and interests of the age child. Curriculum for 0 -3 is based on five developmental areas: sensory and perceptual, physical and motor, self-help skills, and social/emotional development. Core areas for 2 ½ - 6 are practical life, sensorial, math, and language with numerous supplemental areas.</p>	<p>The school's program of learning must be based on and aligned with clearly defined desired results for student learning. Although no curriculum is specified, there are 5 curriculum goals that must be met. These goals relate to developmentally appropriate experiences across all areas of development. Specific teaching strategies are also required.</p>	<p>Curriculum, inclusive of goals, planned activities, daily schedule, and materials, must be based on knowledge of child development and designed to meet individual needs of children. Developmentally appropriate materials, equipment, and activities must meet the intellectual, physical, social, emotional, and spiritual needs of each child.</p>	<p>Children and youth can choose from a wide variety of activities. There are regular opportunities for active, physical play; creative arts and dramatic play; and quiet activities and socializing. Children have a chance to join enrichment activities that promote basic skills and higher level thinking.</p>	<p>Although no specific curriculum is required, the program must utilize a curriculum that is developmentally appropriate and includes activities that are center-based, emergent literacy, hands-on learning experiences, and opportunities for child choice. Curriculum areas are outlined and address all areas of development.</p>	<p>A published curriculum guide is required with scope and sequence for each age group along with written goals and objectives. The curriculum must address all areas of development (i.e., physical, social/emotional, core knowledge, language and literacy, mathematical awareness, science, social studies, and fine art) and be developmentally appropriate.</p>	<p>Although curriculum is not specifically addressed, programs are required to provide developmentally appropriate activities that address all areas of development (i.e., artistic and musical ability, literacy, cognitive growth, fine and gross muscle control and development, sense of mastery, control for behavior, and initiation of activity). The importance of multi-cultural programming is addressed in the standards.</p>

State Requirements: Programs must post a written daily plan of activities. See Florida Statutes, Chapter 402.305.

LITERACY

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>Promotion of language development and early literacy is addressed in the curriculum standards and include consideration of family and community perspectives, value and support, support for verbal and nonverbal communication, alternative communication strategies, vocabulary, time for discussions and questions, varied opportunities with books and stories, phonological awareness, and support for written expression.</p>	<p>Language development is addressed in the curriculum standard and the developmental program standards and includes promotion of children's language development through a variety of songs, stories, books and games, including some from their culture and language and frequent conversations with children.</p>	<p>The standards require providers to read to children at least once a day; make some books accessible to children every day; encourage children to look at or read books on their own; teach children to take care of books; build on children's emerging interest in print and writing; encourage children to scribble, to write their names and stories, to label their drawings, make books, or keep journals in the context of ongoing activities.</p>	<p>Lessons plans must show evidence of planned early literacy experiences. The standards require teachers to be aware of the importance of early literacy instruction and plan for experiences which give children exposure to language development, print and book knowledge, phonological awareness, letter knowledge, written expression, and motivation to read.</p>	<p>Promotion of language skills is addressed in the standards through the provision of classroom activities, use of open-ended questions, opportunities to talk and engage in conversations, teacher description of objects and events, reading of books and poems, and pre-writing opportunities.</p>	<p>The curriculum standard addresses the provision of appropriate receptive and expressive language experiences throughout the day.</p>	<p>Programs must meet current state and local requirements.</p>

State Requirement: Licensed program staff must complete a 5 clock hour or .5 CEU approved early literacy course. See Florida Statutes, Chapter 402.305 (2).

LITERACY

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPA)	Council on Accreditation (COA)
Literacy is not explicitly addressed in the standards; however, meaningful experiences in language development must be addressed in the daily schedule.	Language development and literacy standards are addressed. Programs must provide many opportunities and activities related to speaking, listening, engaging in conversations, dictating, reading, and writing.	Language development is addressed in the standards. Receptive and expressive language experiences, appropriate to the development of the child, must be provided throughout the day.	Literacy is not explicitly addressed in the standards; however, language skill development through frequent conversations is included in the standards.	Reading readiness and emergent literacy standards are addressed. Programs must provide opportunities for auditory, visual, visual-motor, tactile, and linguistic development.	Language and literacy are required elements of curriculum. Programs must provide many print, listening, and speaking experiences and activities; provide a print-rich environment; and address vocabulary, comprehension, phonemic awareness, and the alphabet.	Programs are required to promote literacy through daily story telling and reading.

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State Requirement: Licensed program staff must complete a 5 clock hour or .5 CEU approved early literacy course. See Florida Statutes, Chapter 402.305 (2).

FAMILY INVOLVEMENT

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>Family support is addressed in standards that address understanding and knowing families, sharing information with families, and nurturing families as advocates for their children. Requirements include providing program information; a process for orienting children and families; maintaining ongoing, two-way communication in many forms; encouraging parents to be involved in the program; and joint decision-making opportunities to support children's development and learning.</p>	<p>Family involvement includes providing program information, welcoming parents at all times, encouraging family members to be involved in the program in various ways, informing parents about all aspects of the program in writing, holding parent teacher conferences at least twice annually, communicating daily with each child's parents, providing parent education opportunities in the primary language of the family, and giving families information regarding social services.</p>	<p>Family involvement standards include open visitation policies; respect for family diversity; responsiveness to parent requests, preferences, and values; frequent opportunities for sharing day-to-day happenings; conferences at least annually; and joint goal-setting and decision-making for children.</p>	<p>Family involvement standards include providing parents with an enrollment package and a Parent Handbook, welcoming parents as visitors, ensuring frequent parent/staff interactions, encouraging parents to volunteer and participate, and providing information brochures and nutritional information.</p>	<p>Family involvement standards include opportunities for parents and staff to evaluate the program's strengths and weaknesses annually, provision of written policies and program goals and objectives, and encouragement of parents to participate in the center's program.</p>	<p>Family involvement standards include provision of a written handbook of program policies, objectives, and goals; regular means of communication; conferences at least once a year and at other times as needed; and goal-setting opportunities for their child.</p>	<p>Programs must meet current state and local requirements.</p>

State Requirements: Parents must be provided with certain written policies and a required brochure and given access to the program whenever their child is present. See Florida Statutes, Chapter 402.301-319.

FAMILY INVOLVEMENT						
Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
At least annually the school administration, staff and other appropriate persons such as the board of directors and parents should meet to discuss and evaluate how the school is meeting its stated mission and master plan. The standards address providing written policies and procedures to families, parent interaction and involvement in the daily activities and education of their children, frequent opportunities for teacher-parent communication, and information on local family support services.	Family involvement standards are addressed. Programs must develop, implement and communicate an effective school-community interaction plan. Partnerships with parents, regular home-school communications, active family involvement activities, parent education and training, and assistance with coordinating interagency services for children and families are required.	Family involvement is not addressed explicitly as a standard; however, parent involvement activities are discussed throughout the standards. A variety of events must be pre-planned and arranged according to the school calendar, posted and given to the parents. Notes and daily comments to parents are also discussed.	The standards discuss the importance of recognizing and valuing the child's definition of family. Other requirements include staff and families interacting with each other in positive ways, treating each other with respect, sharing languages and cultures, and working together to help children.	Programs are required to provide many opportunities for communicating with parents including newsletters, phone calls, home visits, volunteer opportunities, meetings, and conferences.	Programs are required to develop and implement family involvement policies, including regular opportunities for informal and formal communication, conferences at least twice a year, parent education opportunities at least quarterly, and provision of information regarding community resources and services as needed.	Programs are required to ensure that parents are active participants and partners by providing pre-enrollment and orientation materials, involving them in decision-making regarding their child and the program, conducting semi-annual parent-teacher conferences, providing multiple means of communicating, providing information on community services, and making parent education opportunities available.

State Requirements: Parents must be provided with certain written policies and a required brochure and given access to the program whenever their child is present. See Florida Statutes, Chapter 402.301-319.

ASSESSMENT OF CHILDREN

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>Programs develop a written assessment plan that uses appropriate assessment procedures, identifies children interests and needs, and describes children’s developmental progress. Assessments are used to adapt curriculum, individualize teaching, and inform program development. Families are involved in assessment and provided assessment findings.</p>	<p>Programs provide regular vision, speech and language, hearing, and developmental screening at least annually. Developmental screening information is shared with parents during conferences to keep parents abreast of their child’s progress and to plan for future learning opportunities.</p>	<p>Although child assessment is not specifically addressed, standards address the importance of providers gathering information about children’s interests and needs through observation and conversations with parents.</p>	<p>Evidence of developmental assessments of each child is required, along with evidence that the program shares information regarding children’s development with their parents. The standards also note that assessments should inform lesson planning and result in a referral for further evaluation when appropriate.</p>	<p>Teachers make ongoing observations of each child and routinely make formal assessments of developmental progress. Observations and assessments are used to individualize curriculum planning.</p>	<p>The preschool communicates with parents regarding their child’s developmental progress at least annually.</p>	<p>Programs must meet current state and local requirements.</p>

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State Requirements: None.

ASSESSMENT OF CHILDREN

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The school must have assessment and evaluation policies and forms. Teachers are required to complete observational records on children's developmental progress. Parent conferences are required.	Standards regarding the assessment of children are included. Programs must use developmentally appropriate means of assessment, use assessment findings to plan activities and meet individual needs, and inform parents on a regular basis regarding the progress of their children.	Observational assessments of children's development are required, and progress reports should be communicated during parent conferences held at least annually	Assessment of children is not addressed in the standards.	Assessment of children is not addressed in the standards.	On-going observation and assessment of children is required. Parents must be informed regarding their child's developmental progress at least twice a year.	Programs are required to conduct an initial intake assessment of the child and involve parents in developing a plan for the child. Programs are also required to identify children's health, social service, and other special service needs and make referrals as needed.

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State Requirements: None.

ACCREDITATION PROCESS

National Association for the Education of Young Children (NAEYC)	National Early Childhood Program Accreditation (NECPA)	National Association of Family Child Care (NAFCC)	Accredited Professional Preschool Learning Environment (APPLE)	National Accreditation Commission on Early Care and Education Programs (NAC)	Association of Christian Schools International (ACSI)	National Accreditation Council for Early Childhood Professional Personnel and Programs (NACECPPP)
<p>Accreditation requires completion of a self-study process that incorporates administrator, board (if applicable), staff, and family assessment through standardized surveys, observations, & documents. The self-study is validated by an on-site visit from trained (initial and update), independent professional(s), meeting educational and experience requirements. A new assessor system, utilizing both paid and volunteer staff, is under development. Assessors review documents, conduct classroom observations, conduct interviews, and observe the environment. A commission makes the final accreditation decision. Reaccreditation is required every 5 years.</p>	<p>Programs seeking accreditation are required to complete a self-study process that includes completion of standardized surveys and documents involving administrators, staff, families, and children. A mentor is assigned if requested. On-site visits are completed by trained verifiers who complete classroom and facility observations, conduct interviews, and review documents to verify the self-study materials. Although educational credentials are preferred, 3 years of teaching experience is sufficient to be a verifier. A National Accreditation Council makes a recommendation to the Commission, and the Commission makes the final decision. Reaccreditation is required every 3 years.</p>	<p>Accreditation requires completion of a self-study workbook. Family surveys are required. A trained observer visits the program to review records, interview the provider, and document the information submitted in the self-study. Observers, who must have experience in family child care homes and early education training, complete a 2-day training program. A commission makes the final decision, and reaccreditation is required every 3 years.</p>	<p>Programs seeking accreditation are required to complete a self-study process involving administrators, staff, and families. Standardized documents and observations must be completed. On-site visits are completed by trained verifiers who meet educational and/or experience requirements. In addition to initial training, verifiers must participate in annual update training. Verifiers conduct classroom and facility observations, conduct interviews, and review documents. A commission makes the final decision. Initial reaccreditation is required within 3 years with subsequent reaccreditations every 5 years.</p>	<p>Accreditation requires a self-study process that includes completion of standardized surveys and documents involving administrators, staff, and families. On-site visits are completed by trained validators who meet educational and experience requirements. Validators conduct classroom and facility observations and review documents. A commission makes the final decision, and reaccreditation is required every 3 years.</p>	<p>Accreditation requires a self-study process that includes input from administrators, staff, and families. Checklists and observation guides are provided, but programs have some flexibility in how they complete the self-study process. A mentor is assigned to assist each program during the accreditation process. On-site visits are completed by trained review team members who are directors and teachers of other Christian Education programs. A commission makes the final decision, and reaccreditation is required every 3 years.</p>	<p>Programs seeking accreditation must complete a self-evaluation report involving input from administrators, board members, teachers, aides, and parents. Trained validators, meeting requirements regarding experience in the field, verify the information in the self-evaluation report through classroom observations, interviews, and document reviews. The National Accreditation Council Board makes the final decision based on the on-site visit report, and reaccreditation is required every 3 years.</p>

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ASSESSMENT OF CHILDREN

Montessori School Accreditation Commission (MSAC)	Southern Association of Colleges and Schools (SACS)	Association of Christian Teachers and Schools (ACTS)	National AfterSchool Association (NAA)	United Methodist Association of Preschools (UMAP)	National Council for Private School Accreditation (NCPSA)	Council on Accreditation (COA)
<p>Accreditation requires a self-study process that includes completion of standardized surveys and documents involving administrators, staff, and families. On-site visits are completed by trained review team members who are Montessori-certified and have at least 3 years of teaching experience. Review team members complete classroom and facility observations, review documents, and interview administrators, staff, parents, and children. A commission makes the final decision, and reaccreditation is required every 5 years.</p>	<p>Accreditation requires a self-study process that includes completion of standardized surveys and documents involving administrators, staff, and families. On-site visits are completed by trained Peer Review Site Teams who meet educational and experience requirements. The Site Team completes classroom and facility observations, conducts interviews, and reviews documents. The State Commission makes a recommendation regarding accreditation, and after review by several committees, the Delegate Assembly takes final action. Reaccreditation is required every 5 years.</p>	<p>Accreditation requires completion of a self-study process with input from administrators, staff, and families. Programs have some flexibility in how the self-study is completed. A validation team visits the program to review documents and observe classrooms and the facility. Validators must be experienced and receive initial training and refresher training the first morning of every visit. A commission makes the final accreditation decision, and reaccreditation is required every 5 years.</p>	<p>Accreditation requires completion of a self-study process involving input from administrators, staff, families, and children through standardized surveys and classroom observations. The self-study is validated by independent endorsers who meet the educational and experience requirements and have completed the required training (refresher training every 2 years). Endorsers review documents, conduct observations and interviews, and observe the environment. The accreditation decision is based on the endorsers' recommendations to NAA staff. Reaccreditation is required every 3 years.</p>	<p>Accreditation requires completion of a self-study process involving administrators, staff, and families. Programs have some flexibility in how they complete the self-study. Validators, with experience in the field, visit the program to interview administrators and staff and observe the facility and classrooms. A Council makes the final decision, and reaccreditation is required every 3 years.</p>	<p>Accreditation requires a self-study process that includes completion of standardized surveys and documents involving administrators, staff, and families. On-site visits are completed by trained validators who meet educational and experience requirements. Validators complete classroom and facility observations, conduct interviews, and review documents. A commission makes the final decision, and reaccreditation is required every 5 years.</p>	<p>Programs are required to complete a self-study process for accreditation involving administrators, staff, board members, and consumers; however, there is flexibility in how the self-study is completed. There are no required classroom observation instruments. Once the self-study is completed, a peer review process begins. Peer reviewers must meet educational and experience requirements, complete 2 days of initial training, and attend update training every 3 years. A commission makes the final accreditation decision, and reaccreditation is required every 3 or 4 years.</p>



**Florida Department of Education
John L. Winn, Commissioner**