

Child Care Regulations in Florida

Overview

A summary of child care regulations in Florida.

- Types of care that must be licensed
- Types of care that must be registered
- Types of care that may operate without a license
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Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Florida, centers are licensed by the state or county, depending on their location. The Department of Children and Families, Child Care Services, licenses centers in 60 of the state's 67 counties. The seven counties that do their own licensing must apply standards that meet or exceed those of the state. These counties are Alachua, Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota. Some of the cities that are licensed by their counties include Gainesville, Tampa, Cape Canaveral, Fort Lauderdale, and Boca Raton. Tallahassee, Jacksonville, Miami, and Orlando are cities whose centers are licensed by the state.

Family child care homes are either licensed or registered. Some counties require licensure by county ordinance. In counties that do not routinely license family child care homes, the state will license subsidized homes and homes that voluntarily seek a license. Other types of local regulations, such as zoning, health, building, and fire safety codes, also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Florida. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community. In 1996, the Florida Legislature established the Gold Seal Quality Care program for child care facilities and family child care homes. This program acknowledges child care facilities and homes that are accredited by nationally recognized associations and whose standards reflect quality in the level of care and supervision provided to children. More information can be found at www.dcf.state.fl.us/childcare/goldseal.shtml.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Florida Department of Children and Families, Child Care Services, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Florida, the following form of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for more than five children.
- *Family child care homes.* Full- or part-time care in a residence for children, including the provider's own children under 13 years old, from at least two unrelated families for no more than 10 children. Twelve counties currently have ordinances requiring the license of all family child care homes -- Alachua, Broward, Clay, Dade, Duval, Hillsborough, Nassau, Palm Beach, Pinellas, Polk, Sarasota, and St. John's.
- *Large family child care homes.* Full- or part-time care by a provider who has previously operated a family child care home for at least two years, in a residence for children, including the provider's own children under 13 years old, from at least two unrelated families for no more than 12 children.

Types of care that must be registered

Registration is a form of regulatory activity that requires background checks, a 30-hour training course, and minimal information for operation, but not a license or inspection by the Department of Children and Families. This type of care typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

In Florida, in counties that do not require licensing of family child care, the following form of child care must be registered:

- *Family child care homes.* Full- or part-time care in a residence for children, including the provider's own children under 13 years old, from at least two unrelated families that receive a fee or grant for any of the children receiving care.

Types of care that may operate without a license

Some types of child care are not required to be licensed or registered by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Florida, the following forms of child care are exempt from licensing or registration:

- care provided by a relative or in the child's own home
- family child care for only one family's children
- programs run by membership organizations such as a YMCA
- programs accredited by certain religious organizations

When children's programs are staffed and operated by public schools or the state Department of Education Board, the board is generally responsible for regulating them. Programs in public schools are licensed by the Department of Children and Families only if there are children younger than 3 years old who are not participating in special education. When children's programs are run by private schools, they are not licensed if they are operated and staffed by the school and if the majority of the children enrolled in the school are over 5 years old. However, they must substantially comply with the licensing rules. Centers that are not required to be licensed may choose to be.

Age-group definitions

- *Infant*: child between birth and 1 year
- *Toddler*: child between 1 and 2 years (younger toddler); child between 2 and 3 years (older toddler)
- *Preschooler*: child between 3 and 5 years
- *School-age*: child 5 years and older

Subsidized child care

The Florida Department of Children and Families makes funds available to families to assist them with child care payments. Nonprofit agencies located throughout the state administer this program. The amount of the payments depends on family size and income. Family with needs based on income, job training, or children who are at risk because of abuse or neglect are given top priority for financial assistance. Families who are eligible may receive assistance whether their child is in a family child care home or a child care center, as long as the type of care complies with state regulations.

For further information about program availability and how to qualify, contact your local office by calling the Florida Partnership for School Readiness toll-free at 866-357-3239 or at 850-922-4200.

Whom to contact

For more detailed information regarding child care regulations in Florida, to obtain a copy of the state standards, or to report licensing violations, contact your local licensing office or the state central office listed below.

Florida Department of Children and Families

Child Care Services

1317 Winewood Blvd., Building 6, Room 389A

Tallahassee, FL 32399-0700

850-488-4900

www.dcf.state.fl.us/childcare

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. For more information, go to *www.dcf.state.fl.us/abuse*. To report suspected child abuse, call Health and Human Services' toll-free hotline at 800-96-ABUSE (800-962-2873).

Child care centers

Licenses

- Must be licensed and renewed annually.
- License must be posted.
- Liability insurance is not required.

State inspection

- Announced inspection is required prior to licensing and renewal.
- Two unannounced inspections annually.

Staff:child ratios

- Birth to 1 year: one staff for up to four infants (1:4)
- 1 to 2 years: one staff for up to six children (1:6)
- 2 to 3 years: one staff for up to 11 children (1:11)
- 3 to 4 years: one staff for up to 15 children (1:15)
- 4 to 5 years: one staff for up to 20 children (1:20)

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- School age: one staff for up to 25 children (1:25)

Mixed-age groups

- No children under 2 years: ratio for the age group with the largest number of children applies
- Including children under 1 year: one staff member for up to four children of any age group
- Including children between 1 and 2 years: one staff member for up to six children of any age group

Maximum group size

- Based on the physical size of the center

Staff qualifications

Director

- Must be at least 21 years old.
- Must have a high school diploma or a general equivalency diploma (GED).
- Must have eight hours of training in serving children with special needs.
- Must have and post Florida Child Care and Education Program Administrator Credential by January 1, 2004, which consists of the foundational level or the advanced level, containing additional courses and experience.
- Must be on site a majority of the hours facility is in operation.

Teacher

- Must be at least 16 years old or under direct supervision.
- One staff member for every 20 children must have one of the following:
 - National Child Development Associate (CDA) credential
 - Formal education requirements
 - Graduate of state-approved CDA equivalency training program
 - Employment history recognition exemption
 - Graduate of the approved Florida School-Age Certification Training Program

Substitute

- Must have available substitute in case of emergency.
- Substitutes must meet requirements of position they are filling.

Staff training

- Directors must complete 4½ continuing education units (CEUs) or one three-hour college credit course in child development, children with special needs, or operation of child care programs every five years to maintain credentialing.
- Directors must demonstrate professional contributions in the field through one or more of the following:
 - Serving in a professional organization
 - Serving as a validator or adviser for an accreditation program
 - Giving presentations or training
 - Serving as an advocate in the field of early childhood education
 - Publishing an item in the field of early childhood education
- All staff hired on or after October 1, 1992, including the director, must begin a department-approved, 40-hour introductory child care training course and pass a competency exam within 90 days of employment unless exempt by level of education.
- All staff hired on or after December 31, 2004, must complete five hours or 0.5 continuing education units approved by the department in early literacy and language development of children from birth to five years old.
- All staff must have 10 hours of department-approved training annually.

CPR and first aid

- One staff person with a valid certificate in infant/child CPR and first aid must be present at all times, including field trips.

Staff medical requirements

- Must have a TB test prior to hiring and every two years.

Staff background checks

- Fingerprinting and criminal records background checks of all staff are required initially and every five years.
- Child abuse background checks of all staff are required initially and every five years.
- Employment history checks of prior two years are required.

Discipline

- Must have a written policy.
- Certain methods of discipline, including corporal punishment, are prohibited

Parents' rights

- Must receive a copy of written policy.
- Must have access to facility during hours of care.
- Must be notified immediately of illness or injury to child.
- Must be notified in advance of field trips.

Health and safety requirements

- Facility must be safe and in good repair.
- Toxic substances and hazardous materials must be labeled and inaccessible to children.
- Animals must be immunized and healthy.
- Firearms, narcotics, alcohol, or other drugs are not permitted on premises.
- Must have adequate lighting, ventilation, safe drinking water, and heat.
- Must have a working phone that is not a payphone.
- Fire drills must be held monthly.
- Must have a fire extinguisher.
- Must have a first-aid kit on the premises and on field trips.
- Emergency numbers must be posted by the phone.
- Must have written authorization for release of child.
- Must have a posted emergency evacuation plan.
- Windows and doors must have screens.
- Outdoor play area must be fenced in accordance with accepted safety practices with a 4-foot high fence.
- Must meet all local ordinances.
- Smoking is prohibited in the child care facility and all outdoor play areas.

Transportation

- Operator must have a Florida driver's license and an annual physical exam.
- Child restraints and seat belts for each child are required.
- Annual vehicle inspections are required.
- Second adult is required on all field trips.

Child medical requirements

- Must have a Student Health Examination and all age-appropriate immunizations within 30 days of enrollment renewed every two years until child is school age.
- Child care facilities are not required to give medication, but dispensing of medication must be documented and permitted by parent or guardian.

Care for sick children

- Children are not permitted in child care facilities when they show symptoms of communicable diseases.
- Must have an isolation area where ill child can wait until picked up by parent.
- May elect to care for mildly ill child, but must notify parents of the child's condition.
- Children with temperatures of 101 degrees or higher accompanied by other symptoms may not remain in care.

Family child care homes (licensed)

Licenses

- Must be licensed and renewed annually.
- License must be posted.
- Liability insurance is not required.
- Provider must have two years of experience in a family child care home to obtain a large family child care home license.

State inspection

- Unannounced inspection is required prior to licensing.
- Inspections are conducted twice a year.

Staff:child ratios

- One provider may care for up to five preschool children.
- When no more than two children are under 1 year old, additional school-age children up to a maximum of 10 may attend.

Maximum group size

- Care may be provided for one of the following groups of children, including children under 13 years old who are related to the caregiver:
 - maximum of four children from birth to 1 year old

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- maximum of three children from birth to 1 year old, and three other children, for a maximum total of six children
- maximum of six preschool children if all are older than 1 year old
- maximum of 10 children if no more than five are preschool age and, of those five, no more than two are under 1 year old
- maximum of eight children from birth to 2 years old in a large family child care home
- maximum of 12 children, with no more than four children under 2 years old, in a large family child care home

Staff qualifications

Provider

- Must be at least 18 years old.
- Must live in the home where care is provided.
- Must have a one-year CDA credential if running a large family child care home.

Substitute

- Must have available substitute in case of emergency.
- Substitute must meet same requirements as provider.

Staff training

- Operator must have basic 30-hour training and pass a competency exam.
- Large family child care operators must have an additional 10 hours of department-approved training.
- Operators must have 10 hours of department-approved training annually.
- Substitutes and employees working for less than 40 hours per month must complete the three-hour training “Fundamentals of Child Care Training.”
- Substitutes and employees working more than 40 hours per month must have basic 30-hour training and pass a competency exam.
- Operators of family child care homes licensed on or after December 31, 2004, must complete five hours or 0.5 continuing education units approved by the department in early literacy and language development of children from birth to 5 years old.

CPR and first aid

- Operator must have infant/child CPR and first aid certification prior to licensing.

Staff medical requirements

- Providers and household members over 12 years old must have a TB test prior to hiring.
- Must have a TB test every two years.

Staff background checks

- Screening must be done for all staff and household members over 12 years old.
- Fingerprinting, local, state, and federal criminal records background check required initially and every five years.
- Household members 12 to 18 years old are not required to be fingerprinted, but must have juvenile delinquency checks.
- Child abuse background checks are required initially and every five years.

Discipline

- No regulations for family child care home.
- Large family child care homes must have a written discipline policy, where corporal punishment is prohibited.

Parents' rights

- Must have access to facility during hours of care.
- Must be notified immediately of illness or injury to child.
- Must be notified in advance of field trips.
- Must be informed in writing if someone living in the house smokes.

Health and safety requirements

- Home must be safe and in good repair.
- Toxic substances and hazardous materials must be labeled and inaccessible to children.
- Animals must be immunized and healthy.
- Firearms must be stored in a location inaccessible to children.
- Must have adequate lighting, ventilation, safe drinking water, and heat.
- Must have a working phone that is not a payphone.
- Fire drills must be held monthly.
- Must have a fire extinguisher.
- Must have a first-aid kit on the premises and on field trips.

- Emergency numbers must be posted by the phone.
- Must have written authorization for release of child.
- Must have a posted emergency evacuation plan.
- Windows and doors must have screens.
- Must meet all local ordinances.
- Outdoor play areas must have a 4-foot high fence if adjacent to a road or body of water.
- Swimming pools must be surrounded with a 4-foot high fence.
- Smoking is not permitted in any room where children are present.

Child medical requirements

- Must have a physical exam and all age-appropriate immunizations within 30 days of enrollment and every two years.

Care for sick children

- Children are not permitted in child care facilities when they show symptoms of communicable diseases.
- Must have an isolation area where ill child can wait until picked up by parent.
- May elect to care for mildly ill child, but must notify parents of the child's condition.

Family child care homes (registered)

Registration

- Must be registered annually.
- May choose to be licensed.
- Liability insurance is not required.

State inspection

- No regulations

Staff:child ratios

- No regulations

Maximum group size

- Four infants if only infants are in care

- Three children under 1 year old with an additional three children over 1 year old
- Six preschool children if all are older than 1 year old
- Ten children if no more than five children are preschool age and no more than two are under 1 year old

Staff qualifications

Provider

- Must be at least 18 years old

Substitute

- Must have available substitute in case of emergency

Staff training

- Must have approved 30 hours of introductory course in family child care and competency exam.
- Must have 10 hours of department-approved training annually.
- Must complete five hours of department-approved training in early literacy and language development of children from birth to 5 years old.

CPR and first aid

- One staff person certified in CPR and first aid must be present at all times.

Staff medical requirements

- No regulations

Staff background checks

- Background screening is required for staff and family over 18 years old.
- Fingerprinting and criminal records background checks are required initially and every five years.
- Household members 12 to 17 years old must have juvenile record checks.
- Child abuse background checks of all staff are required initially and every five years.
- Employment history checks are required.

Discipline

- No regulations

Parents' rights

- Must receive a copy of registration regulations

Health and safety requirements

- Must complete self-evaluated checklist for registered family child care homes

Child medical requirements

- Immunizations are required.

Care for sick children

- No regulations