

Chapter 65C-22

Florida Administrative Code

Child Care Standards

Effective: January 13, 2010

65C-22.001 General Information.

(6) Transportation

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

Parents' personal vehicles used during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2., (b) & (c), F.A.C. (driver's physical; insurance requirements; mechanical inspection)

65C-22.002 Physical Environment.

(1) General Requirements.

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

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

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

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

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

1. The children using the outdoor play area are in five-year-old kindergarten and grades one or above;
2. One additional staff member above the established staff-to-child ratios provides direct supervision during all outdoor activities;
3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or un-posted speed limit of no more than 25 miles per hour, or where the posted or un-posted 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.

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

1. Napping and sleeping spaces shall not be under furniture or against furniture that may create a hazard.
2. Napping and sleeping spaces shall not interfere with exit areas, which must remain clear in accordance with fire safety regulations.

(c) The child care facility must properly maintain fire extinguishers at all times.

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

(e) During the facility's licensure year, fire drills shall be conducted a minimum of 10 times and be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:

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

(f) The operator shall maintain a written record of the fire drills showing the date, number of children and staff in attendance, evacuation route used, and time taken for all

individuals to evacuate the premises. Each fire drill record shall be maintained for a minimum of one year from the date of the fire drill.

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

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

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

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

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

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

(c) Bedding and Linens.

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

65C-22.003 Training.

(n) If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of

Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

5. Child care personnel who left the child care industry in compliance with training requirements, upon returning, shall be granted 90 days to comply with any new mandated training requirements. Completion of such training may be counted toward the in-service training requirement.

6. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.

(f) Child care personnel continuously employed or hired between July 1 and June 1 of the state's fiscal year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

2. Each child care facility must have a credentialed director who is on-site a majority of hours, (51% of the time) excluding weekends and evening hours that the facility is in operation. Documentation of majority of hours must be maintained and available for review by the licensing authority.

a. The licensing authority will issue a provisional license for a period not to exceed six months for any facility without a credentialed director.

65C-22.004 Health Related Requirements.

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

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

(d) Emergency Procedures and Notification.

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

65C-22.005 Food and Nutrition

65C-22.006 Record Keeping.

3. Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the the influenza virus. To assist providers the department developed a brochure, CF/PI 175-70 , June 2009, Influenza Virus, Guide to Parents, which may be obtained from the department's website at www.myflorida.com/childcare.

65C-22.009 Gold Seal Quality Care Program.

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

(b) Gold Seal Quality Care Enforcement.

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

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

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

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

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

65C-22.010 Enforcement.

(b) "Probation" is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations of licensing standards. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes

into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the facility must operate during the probationary period

1. "Class I Violation

Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect, and which could or does result in death or serious harm to the health, safety or well-being of a child.

2. "Class II Violation

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

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

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

(d) Failure to submit a completed CF-FSP Form 5017, Application for a License to Operate a Child Care Facility, which is incorporated by reference in paragraph 65C-22.001(1)(a), F.A.C. for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue an administrative complaint imposing a fine of \$50.00 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period.

Documents that Providers must have as of 1/13/10

- Written statement detailing smoking prohibitions
- Individual room capacities
- Emergency evacuation plans for each room including diagrams for safe routes
- Current Attendance record for each room
- Emergency preparedness plan addressing fire; lockdowns; severe weather
- Credentialed Director's schedule
- Annual influenza information