

(p) Failure to attach the affidavit accepting collateral on the Department prescribed form to the bond within 30 days of the release of the defendant: \$500;

(q) Failure to respond to Department’s request for information: \$1,000;

(r) Failure to indicate name and address of referring agent on transfer bond: \$500;

(s) Failure to complete statement of surrender: \$500;

(t) Failure to keep copies of bond forfeiture documents in individual files: \$250;

(u) Failure to file notice of change of bail bond agency name, business and/or personal addresses and phone numbers with the Department: \$1,000;

(4) Licensing/Appointments:

(a) Failure to submit to Department temporary bail bond agent certified monthly employment reports: \$500;

(b) Failure to file with the Department the temporary bail bond agent appointment: \$500;

(c) Failure to notify Department about termination of appointment of temporary bail bond agent: \$1,000.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65CER11-1 General Information

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2010-161, sections 17 & 18, Laws of Florida, eliminated the Department of Health’s (DOH) authority to license and inspect food preparation and food service in child care facilities (i.e. daycare). The Department currently has minimal rules providing standards for food preparation and food service. A rule amendment is needed to provide the standards and an enforcement process to provide for minimal food safety in child care facilities. The Department enacted an Emergency rule on July 29, 2010, that incorporated 64E-11 F.A.C. along with an interchange agreement with DOH to continue conducting food service inspections in child care facilities until the end of the FY 2010-11. During which time the Department published a notice of rule development, held public two workshops, held a public hearing, and revised proposed rule language based on public comment/feedback and to satisfy concerns presented by JAPC. The proposed rule language was ultimately approved by JAPC to continue with rule adoption. However, based on constituent concerns and guidance provided the Office of Fiscal Accountability and Regulatory Reform; the Department is withdrawing the rule

and a new rule amendment has been developed and is under review. Upon review the Department will move forward with a new Notice of Rule Development and host public workshops. The intent of this emergency rule revision is to create the necessary verbiage that will appropriately reflect food hygiene standards for continued safety and well-being of the children served by Department of Children and Families. This emergency rule revision will allow the Department to inspect the food hygiene standards in child care facilities that provide food service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Chapter 65C-22, Florida Administrative Code is the most efficient means of providing guidance to protect the health, safety, and welfare of children attend child care licensed by the Department.

SUMMARY: The new rule provides standards for the regulation of food hygiene in licensed child care programs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dinah Gallon, Child Care Program Office, 1317 Winewood Boulevard, Building 6, Room 388, Tallahassee, Florida 32399, Phone: (850)488-4900, Email: Dinah_Gallon@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER11-1 (65C-22.001) General Information.

(1) Application.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, March 2009, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department’s website at www.myflorida.com/childcare.

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

(c) The completed CF-FSP Form 5017 must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation, and must include submission of background screening documents for the owner/operator, and an approved fire ~~and environmental health~~ inspections.

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

(e) Urban Child Care.

1. In order to be classified as an urban child care facility, the applicant, prior to submitting an application for licensure must:

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

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

(I) Is adjacent to the facility, or

(II) Can be reached by a route that is free of hazards and is within 1/8 mile of the facility.

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

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

(2) License.

(a) A child care facility license is issued in the name of the owner. The owner may be an individual, partnership, association, or corporation.

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

1. Posting a notice in a conspicuous location at the facility;

2. Incorporating information into an existing newsletter; or

3. Individual letters or flyers.

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

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

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

(4) Ratios.

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

(b) Mixed Age Groups.

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

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

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

(5) Supervision.

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

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

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

(d) Additional Supervision Requirements.

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

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

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

(6) Transportation. For the purpose of this section, vehicles refer to those that are owned, operated or regularly used by the child care facility and vehicles that provide

transportation through a contract or agreement with an outside entity. Parents' personal vehicles used during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2., (b) and (c), F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (7) Planned Activities.

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

1. Promote emotional, social, intellectual and physical growth;

2. Include quiet and active play, both indoors and outdoors; and

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

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

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

- (8) Child Discipline.

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

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

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

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

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

(11) Child Safety.

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

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

Rulemaking Authority 402.305, 402.309 FS. Law Implemented 402.305, 402.309, 402.3055, 402.308, 402.310 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 12-15-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: December 15, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65CER11-2 RULE TITLE: Food and Nutrition

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2010-161, sections 17 & 18, Laws of Florida, eliminated the Department of Health's (DOH) authority to license and inspect food preparation and food service in child care facilities (i.e. daycare). The Department currently has minimal rules providing standards for food preparation and food service. A rule amendment is needed to provide the standards and an enforcement process to provide for minimal food safety in child care facilities. The Department enacted an Emergency rule on July 29, 2010, that incorporated Chapter 64E-11 F.A.C. along with an interchange agreement with DOH to continue conducting food service inspections in child care facilities until the end of the FY 2010-11. During

which time the Department published a notice of rule development, held public two workshops, held a public hearing, and revised proposed rule language based on public comment/feedback and to satisfy concerns presented by JAPC. The proposed rule language was ultimately approved by JAPC to continue with rule adoption. However, based on constituent concerns and guidance provided the Office of Fiscal Accountability and Regulatory Reform; the Department is withdrawing the rule and a new rule amendment has been developed and is under review. Upon review the Department will move forward with a new Notice of Rule Development and host public workshops. The intent of this emergency rule revision is to create the necessary verbiage that will appropriately reflect food hygiene standards for continued safety and well-being of the children served by Department of Children and Families. This emergency rule revision will allow the Department to inspect the food hygiene standards in child care facilities that provide food service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Chapter 65C-22, Florida Administrative Code is the most efficient means of providing guidance to protect the health, safety, and welfare of children attend child care licensed by the Department.

SUMMARY: The new rule provides standards for the regulation of food hygiene in licensed child care programs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dinah Gallon, Child Care Program Office, 1317 Winewood Boulevard, Building 6, Room 388, Tallahassee, Florida 32399, Phone: (850)488-4900, Email: Dinah_Gallon@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER11-2 (65C-22.005) Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA MyPyramid, April 2005, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two and older. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA MyPyramid may be obtained from the USDA website at www.mypyramid.gov. Using the USDA MyPyramid, breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups. Operators who participate in the USDA Food Program shall provide nutritious meals and snacks in accordance with the Department of Health and the USDA requirements.

(b) If a facility chooses 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 file. If the custodial parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(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. Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements.

(2) Food ~~Hygiene. Preparation Area.~~ All licensed child care facilities that supply food must comply with requirements outlined ~~approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets 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) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles, and sippy cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(c) There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner at all times.

(d) All bottles and sippy cups prepared and used continuously throughout the day or brought from home shall be individually labeled with the child's first and last name. Sippy cups and bottles brought from home shall be returned to the custodial parent or legal guardian daily.

(e) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(f) Facilities shall provide sufficient age appropriate seating so that children are seated at tables for meals.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, 12-15-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 15, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65CER11-3
RULE TITLE: School Age Child Care

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2010-161, sections 17 & 18, Laws of Florida, eliminated the Department of Health's (DOH) authority to license and inspect food preparation and food service in child care facilities (i.e. daycare). The Department currently has minimal rules providing standards for food preparation and food service. A rule amendment is needed to provide the standards and an enforcement process to provide for minimal food safety in child care facilities. The Department enacted an Emergency rule on July 29, 2010, that incorporated 64E-11 F.A.C. along with an interchange agreement with DOH to continue conducting food service inspections in child care facilities until the end of the FY 2010-11. During which time the Department published a notice of rule development, held public two workshops, held a public hearing, and revised proposed rule language based on public comment/feedback and to satisfy concerns presented by JAPC. The proposed rule language was ultimately approved by JAPC to continue with rule adoption. However, based on constituent concerns and guidance provided the Office of Fiscal Accountability and Regulatory Reform; the Department is withdrawing the rule and a new rule amendment has been developed and is under review. Upon review the Department will move forward with a new Notice of Rule Development and host public workshops. The intent of this emergency rule revision is to create the necessary verbiage that will appropriately reflect food hygiene standards for continued safety and well-being of the children served by Department of Children and Families. This emergency rule revision will allow the Department to inspect the food hygiene standards in child care facilities that provide food service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Chapter 65C-22, Florida Administrative Code is the most efficient means of providing guidance to protect the health, safety, and welfare of children attend child care licensed by the Department.

SUMMARY: The new rule provides standards for the regulation of food hygiene in licensed child care programs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dinah Gallon, Child Care Program Office, 1317 Winewood Boulevard, Building 6, Room 388, Tallahassee, Florida 32399, Phone: (850)488-4900, Email: Dinah_Gallon@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER11-3 (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 attends kindergarten through grade five.

(b) "School-Age Child Care Program" means any licensed child care facility serving school-aged children as defined in paragraph (1)(a), above or any before and after school programs that are licensed as a child care facility defined in Section 402.302, F.S., and serve only school-aged children as defined in paragraph (1)(a), above.

(2) Licensure Requirements.

(a) An after school program exempted under subparagraph (2)(c)1. or 3., below may become licensed if they choose to meet all of the applicable licensing standards in subsection (3) below.

(b) After school programs that choose to expand their program beyond the parameters in subparagraphs (2)(c)1. through 4., below 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 (1)(a) above, must be licensed.

(c) An "After School Program" serving school-age children is not required to be licensed if the program meets one of the following criteria, and complies with the minimum background screening requirements provided in Sections 402.305 and 402.3055, F.S.:

1. Program is 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. Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional and tutorial/academic activities of that program and cannot serve or prepare meals. The program may choose to provide drinks, snacks, and 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. Program meets all of the following criteria:

a. Operates for a period not to exceed a total of four hours in any one day; however, 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; and

b. Allows children to enter and leave the program at any time, without adult supervision; and

c. Does 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. Does not serve or prepare any meals or snacks. The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration; or

4. Provides after school care exclusively for children in grades six and above.

(d) Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5017, March 2009, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department's website at www.myflorida.com/childcare.

1. Each completed CF-FSP Form 5017 must be submitted with the licensure fee.

2. The completed CF-FSP Form 5017 must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation, and must include submission of background screening documents for the owner/operator, and an approved fire ~~and environmental health~~ inspections.

3. 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.

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

(e) License. A school-age child care license is issued in the name of the owner. The owner may be an individual, partnership, association, or corporation, and the license must be posted in a conspicuous location where the school-age child care program is operating.

(3) School-Age Child Care Standards. The following school-age child care standards apply to “School-Age Child Care Programs” as defined in paragraph (1)(b), above. These programs must meet the following licensing standards:

(a) 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 school-age child care program and on the premises at all times.

(b) Ratios. For children five years of age and older, there must be one child care personnel for every 25 children.

(c) 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.

1. No person shall be an operator, owner, or employee in a school-age child care program while using or under the influence of narcotics, alcohol, or other drugs that impair an individual’s ability to provide supervision and safe child care.

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

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

4. If a school-age child care program uses a swimming pool that exceeds three feet in depth or uses beach or lake areas for water activities, the school-age child care program 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 school-age child care program 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 (c)2., above.

(d) Access. A school-age child care program must provide the custodial parent or legal guardian access, in person and by telephone, to the program during the program’s normal hours of operation or during the time the child is in care.

(e) General Requirements.

1. All school-age child care program facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children. It is the responsibility of the director/owner that all areas of the

facility are free from fire hazards, such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

2. All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials.

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

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

5. No narcotics, alcohol, or other impairing drugs shall be present on the premises.

6. Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority.

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

8. 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.

(f) Rooms Occupied by Children.

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

2. 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.

3. Pest control shall not take place while rooms are occupied by children.

(g) Napping and Sleeping Space. For the purposes of this standard, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably as described in paragraph (3)(i), below.

(h) Toilet and Bath Facilities.

1. Each school-age child care program shall provide and maintain toilet and bath facilities that are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed, with impervious surfaces that can be easily cleaned and sanitized or disinfected.

2. For facilities having from one to fifteen children, there shall be at least one toilet and one wash basin. There shall be one additional toilet and basin for every 30 children thereafter. For design and construction of a new child care facility or modification to an existing facility, subparagraph (3)(e)8., above shall apply.

3. 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.

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

5. Each basin and toilet must be maintained in good operating condition, cleaned and sanitized or disinfected as needed, at least once per day.

(i) Indoor Floor Space.

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

2. 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, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

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

b. 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 requirements of the local fire authority.

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

5. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to usable indoor floor space as specified in paragraph (3)(i), above. 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.

(j) Outdoor Play Area.

1. There shall be a minimum of 45 square feet of usable, safe and sanitary outdoor play area per each school-age child. A minimum outside play area shall be provided for one-half of the licensed capacity.

2. Based on the outdoor square footage, the total number of children using the play area may not exceed the outdoor capacity.

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

4. The outdoor play area shall provide shade.

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

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

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

8. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to outdoor floor space as specified above. The written request must include an explanation of why the exception is necessary as well as an alternate plan for inclusion of fine and gross motor skills opportunities. 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:

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

b. In addition to the established staff-to-child ratios, for the purpose of safety, an additional staff member is present at all times during outdoor activities, to assist in providing direct supervision;

c. 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

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

(k) Health and Sanitation.

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

2. Employees, volunteers, and children shall wash their hands with soap and running water, dry thoroughly and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

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

~~4. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards.~~

(l) Equipment and Furnishings.

1. Indoor Equipment.

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

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

2. Outdoor Equipment.

a. A school-age child care program shall provide and maintain equipment and play activities suitable to each child's age and development.

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

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

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

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

(m) 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 school-age child care program suspected of having a communicable disease shall be removed from the program or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. A child's condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

(I) Severe coughing, causing a child to become red or blue in the face or to make a whooping sound;

(II) Difficult or rapid breathing;

(III) Stiff neck;

(IV) Diarrhea (more than one abnormally loose stool within a 24 hour period);

(V) Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;

(VI) Pink Eye;

(VII) Exposed, open skin lesions;

(VIII) Unusually dark urine and/or gray or white stool;

(IX) Yellowish skin or eyes; or

(X) Any other unusual sign or symptom of illness.

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

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

d. Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control and must follow the health department's direction. A suspected outbreak occurs when two or more children or employees have the onset

of similar signs or symptoms, as outlined in sub-subparagraph (3)(m)1.a., above, 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 school-age child care program must have at least one staff member with current and valid certificate(s) of course completion for first aid training 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 program, both on-site and on field trips. A field trip includes all activities away from the program excluding regular transportation to and from the program, i.e., pick-up and drop-off.

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

c. At least one first aid kit must be maintained on the premises of the school-age child care program 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:

- (I) Soap,
- (II) Band-aids or equivalent,
- (III) Disposable non-porous gloves,
- (IV) Cotton balls or applicators,
- (V) Sterile gauze pads and rolls,
- (VI) Adhesive tape,
- (VII) Thermometer,
- (VIII) Tweezers,
- (IX) Pre-moistened wipes,
- (X) Scissors, and
- (XI) A current resource guide on first aid and CPR procedures.

3. Emergency Procedures and Notification.

a. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit and the address and directions to the facility, including major intersections and local landmarks,

must be posted on or near all school-age child care program telephones and shall be used to protect the health, safety and well-being of any child in day care.

b. 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 school-age child care program 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.

c. All accidents and incidents which occur at a school-age child care program or while a child is in the care of program 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 program 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.

4. Medication. School-age child care programs are not required to give medication; however, if a program chooses to do so, the following shall apply:

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

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

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

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

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

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

g. All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child's reach.

h. Medication that has expired or that is no longer being dispensed shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled at the school-age child care program.

(n) Child Discipline.

1. Verification that the school-age child care program has provided, in writing, the disciplinary policy used by the program shall be documented on the enrollment form with the signature of the custodial parent or legal guardian.

2. All child care personnel must comply with the school-age child care program's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline that 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.

3. A copy of the school-age child care program's current written disciplinary policies must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

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

(p) Nutrition.

1. If a school-age child care program chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Pyramid, April 2005, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two and older. Using the USDA My Pyramid, 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. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA My Pyramid may be obtained from the USDA website at www.mypyramid.gov.

2. If a school-age child care program 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.

3. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's file. If the parent or legal guardian notifies the school-age child care program of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

4. Meal and snack menus shall be planned, written, and posted at the beginning of each week. Any menu substitution shall be noted on the menu. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and USDA requirements.

(q) Food Hygiene ~~Preparation Area~~.

1. All licensed school-age child care programs that supply food must comply with requirements outlined approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

~~2. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards, specified in Chapter 64E-11, F.A.C., Food Hygiene, as it pertains to the food preparation area defined above.~~

(r) Food Service.

1. School-age child care programs shall provide sufficient age appropriate seating so that children are seated at tables for meals.

2. Children shall be supervised during all meals and snacks and offered foods appropriate for their ages.

3. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils and cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(s) Fire and Emergency Safety.

1. Unless statutorily exempted, all school-age child care programs shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Nonresidential 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. If the school-age program is granted a fire inspection exemption by the local fire inspection office, the exemption must be documented and maintained on file at the program.

2. There shall be at least one corded telephone in the school-age child care program facility that is neither locked nor located at a pay station that is available to all staff during the hours of operation.

3. The child care facility must properly maintain fire extinguishers at all times.

4. The operator shall prepare and post the emergency evacuation plan in each room of the program, including a diagram of safe routes by which the personnel and children may exit in the event of fire or other emergency requiring evacuation.

5. 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:

a. One fire drill using an alternate evacuation route, and

b. One drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

6. The operator shall maintain a written record of 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 record shall be maintained for a minimum of one year from the date of the fire drill.

7. When the school-age program's fire alarm is activated, all adults and children must evacuate the facility.

8. 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).

9. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the 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.

10. 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.

11. 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.

12. 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.

(t) Transportation. For the purpose of this section, vehicles refer to those owned, operated, or regularly used by the school-age child care program, and vehicles that provide transportation through a contract or agreement with an outside entity. Parents' personal vehicles used for transporting during field trips are excluded from meeting the requirements in subparagraph 65C-22.001(6)(a)2. and paragraphs (b) and (c), F.A.C.

1. When any vehicle is regularly used by a school-age child care program to provide transportation, the driver shall have the following:

a. A valid Florida driver's license,

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

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

3. All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic shall be maintained in the vehicle.

4. 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.

5. 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.

6. When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio.

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

8. Prior to transporting children, the driver's log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.

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

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

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

c. Record, sign, and date the driver's log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.

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

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

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

11. 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.

12. Planned Activities.

a. Each group or class must have a written and followed plan of scheduled activities posted in a conspicuous location accessible to parents. The written plan must meet the needs of the children being served and include scheduled activities that:

(I) Include both indoors and outdoor play, if applicable; and

(II) Include meals, snacks, 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 two working days prior to each field trip. Written parental permission must be obtained in the form of a general permission slip. If special circumstances arise where notification of an event cannot be posted for two working days, individual permission slips must be obtained from the custodial parent or legal guardian for each child participating on the field trip. Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

(u) Record Keeping.

1. General Requirements.

a. Each of the records described in this section shall be maintained at the school-age child care program and shall be available during the hours of operation for review by the licensing authority.

b. A copy of all background screening clearance documents for the director and owner must be provided to the department to be included in the department's official licensing file.

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

2. Health Records. 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.

3. Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Child Care Application for Enrollment, which is incorporate by reference in subsection 65C-22.006(3), F.A.C., or an equivalent form that contains all the information required by the department on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the department's website at www.myflorida.com/childcare.

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

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

c. There shall be signed statements from the custodial parents or legal guardian that the school-age child care program has provided them with the following information:

(I) The department's child care facility brochure, CF/PI 175-24, Know Your Child Care Facility, which is incorporated by reference in subparagraph 65C-22.006(3)(a)1., F.A.C. This brochure may be obtained from the licensing authority or by going to the department's website at www.myflorida.com/childcare. Local licensing agencies may use an equivalent brochure approved by the department.

(II) The school-age child care program's written disciplinary practices.

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

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

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

b. Position and date of employment.

c. CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(c), F.A.C., must be signed annually by all child care personnel.

d. Prior to beginning volunteering in a school-age program, a CF-FSP 5217, March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department's website www.myflorida.com/childcare, must be completed and on file at the facility for the volunteer.

e. Initial Screening. Screening information must be documented on CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(d), F.A.C. Screening includes the following:

(I) Level 2 screening as defined in section 435.04., which includes at a minimum, FBI, FDLE, and local law enforcement records checks.

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

(III) CF Form 1649A, January 2007, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. CF Form 1649A may be obtained from the department's website at www.myflorida.com/childcare.

f. Re-Screening. A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted.

(I) The five year re-screen is required for the all child care personnel.

(II) The five year re-screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement (FDLE) and a local criminal records check.

(III) CF 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. A copy of the CF 1649A may be obtained from the department's website at www.myflorida.com/childcare.

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

g. Break In Employment. Child care personnel must be re-screened following a break in employment in the child care industry as outlined in sub-subparagraph (3)(u)4.e. above that exceeds 90 days.

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

i. Copies of training information and credentials as described in subsection 65C-22.008(4), below.

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

5. Summary of Records. In addition to the documentation outlined in subparagraphs (3)(u)1., 2. and 3., above, the following is a list of records that shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority.

a. Driver's log. Must be retained for the previous four months as referenced in subparagraph (3)(t)7., above.

b. Facility's written disciplinary policies as referenced in subparagraph (3)(n)3., above.

c. Written record of fire drills. Must be maintained for a minimum of one year as referenced in subparagraph (3)(s)4., above.

d. Documentation of staff members who have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement as referenced in sub-subparagraph (3)(m)2.b., above.

e. Posted emergency telephone numbers, the facility address and directions to the facility as referenced in sub-subparagraph (3)(m)3.a., above.

f. Documentation of accidents/incidents. Must be maintained for one year as referenced in sub-subparagraph (3)(m)3.c., above.

g. Emergency evacuation plan and preparedness plan as referenced in subparagraph (3)(s)9., above. Documentation must be maintained for one year from the date of each drill.

h. Record for each child receiving medication. Must be maintained for a minimum of four months after the last day the child received the dosage as referenced in sub-subparagraph (3)(m)4.f., above.

i. Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in subparagraph (3)(p)3., above.

j. Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in subparagraph (3)(p)3., above.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for four months as referenced in subparagraph (3)(p)4., above.

(4) School-Age Child Care Personnel Training Requirements.

(a) Definitions.

1. "Active" is the status of a candidate's awarded credential or certification signifying requirements have been successfully met.

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

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

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

5. "Director" means "operator" as defined in Section 402.302(11), F.S., is the on-site administrator or individual who has the primary responsibility for the day-to-day operation, supervision and administration of a child care facility.

6. "Director Credential" is a department-approved comprehensive credential that consists of educational and experiential requirements as referenced in paragraph (4)(i), below.

7. "Foster Grandparents" are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department's training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions."

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

9. "Inactive" refers to the status of a candidate's awarded credential or certification that is no longer active; however, remains eligible for renewal.

10. "Professional contribution" for the purpose of Director Credential renewal, demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.

11. "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training Transcripts may be obtained from the department's website at www.myflorida.com/childcare.

12. "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

13. "Year of experience" is equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.

(b) Child care personnel must begin training within 90 days of employment and successfully complete the department's training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care facility.

(c) Child care personnel must successfully complete 40 hours of child care training by completing the following department's training as evidenced by successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better. School-age child care personnel must complete:

1. Child Care Facility Rules and Regulation;
 2. Health, Safety, and Nutrition;
 3. Identifying and Reporting Child Abuse and Neglect;
- and
4. School Age-Appropriate Practices.

5. The remaining hours must be met by completing any combination of training identified in sub-subparagraphs a. and b. below.

a. Successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better for any of the following courses:

- (I) Child Growth and Development (6 or 10 hours),
- (II) Behavioral Observation and Screening (6 or 10 hours),
- (III) Infant and Toddler Appropriate Practices (10 hours),
- (IV) Preschool Appropriate Practices (10 hours),
- (V) Special Needs Appropriate Practices (10 hours),
- (VI) Basic Guidance and Discipline (5 hours online),
- (VII) Early Literacy for Children Ages Birth Through Three (5 hours online),
- (VIII) Early Childhood Computer Learning Centers (5 hours online),
- (IX) Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or

b. Completion of specialized school-age training, provided by the department, a national organization or affiliates of a national organization, 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).

6. School-age child care personnel in compliance with paragraph 65C-22.003(2)(a), F.A.C., shall be considered in compliance with the school-age child care personnel training requirements.

7. 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 annual in-service training requirement.

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

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

(d) Documentation of Training. Effective October 1, 2010, the department's Training Transcript will be the only acceptable verification of successful completion of the department's training. Training completion documented on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous versions. Form CF-FSP 5267 is provided to participants upon completion of a department approved training course. A copy of the department's Training Transcript may be obtained from the department's website at www.myflorida.com/childcare.

1. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript must be maintained at the school-age child care program.

2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript for the director of a school-age child care program must be maintained in the department's licensing file.

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

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

(e) School-age child care personnel are exempt from the training requirement of five clock-hour early literacy and language development of children from birth to five years of age, under paragraph 65C-22.003(2)(b), F.A.C.

(f) School-age child care programs are exempt from the staff credential requirement as outlined in subsection 65C-22.003(7), F.A.C.

(g) Exemptions from the Introductory Child Care Training.

1. Competency Examination Exemptions. Child care personnel have one opportunity, if they choose, to exempt from one or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. Exemption examinations are not available for the department's online Part II specialized training courses.

2. Educational Exemptions.

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

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

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

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

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

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

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

(h) Annual In-Service Training.

1. All child care facility personnel must complete a minimum of 10 clock-hours or one CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

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

- a. Health and safety, including universal precautions;
- b. Child CPR;
- c. First Aid (may only be taken to meet the in-service requirement once every three years);
- d. Nutrition;
- e. Child development – typical and atypical;
- f. Child transportation and safety;
- g. Behavior management;
- h. Working with families;
- i. Design and use of child oriented space;
- j. Community, health and social service resources;
- k. Child abuse;
- l. Child care for multilingual children;
- m. Working with children with disabilities in child care;
- n. Safety in outdoor play;
- o. Literacy;
- p. Guidance and discipline;
- q. Computer technology;
- r. Leadership development/program management and staff supervision;
- s. Age appropriate lesson planning;
- t. Homework assistance for school-age care;
- u. Developing special interest centers/spaces and environments; or
- v. Other course areas relating to child care or child care management.

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, which is incorporated by reference in paragraph 65C-22.003(6)(c), F.A.C., and included in the

child care facilities' personnel records. CF-FSP Form 5268 may be obtained from the department's website at www.myflorida.com/childcare. A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the school-age child care program for review by the licensing authority.

4. Mandated 40-clock-hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.

5. All child care personnel continuously employed or hired between July 1 and June 1 of the state's fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.

6. 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.

(i) Director Credential.

1. Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., a child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application which is incorporated by reference in paragraph 65C-22.003(8)(a), F.A.C. CF-FSP Form 5290 may be obtained from the department's website at www.myflorida.com/childcare. All applications and documentation will be verified, and if complete, the credential will be issued by the department or designated representative on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, which is incorporated by reference in paragraph 65C-22.003(8)(a), F.A.C.

a. An individual may not be the director of child care facilities that overlap in the hours of operation.

b. Each school-age child care program must have a credentialed director that is on-site a majority of hours that the facility is in operation.

c. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

d. School-age child care program owners must notify the licensing authority within five working days of when the facility loses a credentialed director or when there is a change of director.

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

(II) The provisional license will have an effective date of the first day the facility was without a credentialed director.

e. CF-FSP Form 5252, Florida Director Credential Certificate, must be maintained at the school-age child care program for review by the licensing authority.

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

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included four year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts that serve four year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(7)(a), F.A.C., in order to accommodate the four year-old children.

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

(I) Be at least 21 years of age;

(II) Have completed the approved 40 clock-hour Introductory Child Care Training approved by the department; and

(III) Have completed the department's Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight hours of in-service training in serving children with disabilities; or

(IV) Have completed the department's School-Age Appropriate Practices specialized training module.

3. Director Credential Renewal.

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

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

year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

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

4. Director Credential Training Providers.

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

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

(I) Child Care and Education Organizational Leadership and Management;

(II) Child Care and Education Financial and Legal Issues; and

(III) Child Care and Education Programming.

Rulemaking Authority 402.305 FS. Law implemented 402.305 FS. History--New 9-12-04, Amended 4-12-07, 5-1-08, 1-13-10, 12-15-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 15, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Economic Opportunity hereby gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF PETITIONER: Suwannee County Board of County Commissioners

DATE PETITION WAS FILED: August 25, 2011. It was assigned the number DCA11-WAI-181.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Paragraph 9B-43.0041(1)(c), F.A.C. Requesting a waiver of the \$750,000