CHAPTER 65C-20
FAMILY DAY CARE STANDARDS AND LARGE FAMILY CHILD CARE HOMES

65C-20.008 Application
(1) Application for a license or for renewal of a license to operate a family day care home must be made on CF-FSP Form 5133, May 2019, Application for a License to Operate a Family Day Care Home, which is incorporated by reference. CF-FSP Form 5133 may be obtained from the Department’s website at www.myflfamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-10482.

(2) Application for a license or for renewal of a license to operate a large family child care home must be made on CF-FSP Form 5238, May 2019, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference. CF-FSP Form 5238 may be obtained from the Department’s website at www.myflfamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-10580. A license to operate a large family child care home may be used to operate a family day care home when the number of children in care meets the definition of a family day care home. A license to operate a family day care home cannot be used to operate a large family child care home.

(3) A completed CF-FSP Form 5133 or CF-FSP Form 5238 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 5133 or CF-FSP Form 5238 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-20.012(3)(d), F.A.C.

(4) A submitted CF-FSP Form 5133 or CF-FSP Form 5238 will not be considered complete until the licensing authority receives proof of background screening clearance on the operator of the family day care home or the large family child care home, substitutes, and on all other household members who are subject to background screening pursuant to sections 402.313(3) and 402.3131(2), F.S. If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute for the operator must comply with background screening requirements and the licensing authority must receive proof of background screening clearances.

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

(6) During the hours of operation, the family day care home or large family child care home must not be used for any business or purpose unrelated to providing child care that can interfere with compliance with child care standards or permit the presence of individuals who do not meet screening and training requirements when children are present.

(7) Family Day Care Home and Large Family Child Care Home Standards. Family Day Care Homes and Large Family Child Care Homes must follow the standards found in the “Family Day Care Home and Large Family Child Care Home Handbook,” May 2019, incorporated herein by reference. The handbook may be obtained from the Department’s website at www.myflfamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-10488.

(8) The following documents and forms are also incorporated by reference as part of this rule:
(a) CF Form 5268A, October 2017, In-Service Training Record – Family Day Care Home/Large Family Child Care Home. A copy may be obtained from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-08750.
(b) CF/PI 175-28, September 2007, Selecting a Family Day Care Home Provider. A copy may be obtained from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-08751.

Rulemaking Authority 402.309, 402.313, 402.3131, 402.405 FS. Law Implemented 402.309, 402.302(13), 402.313, 402.3131, 402.405 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 10-25-17, 6-12-19.
65C-20.009 Staffing Requirements.

Rulemaking Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, Repealed 10-25-17.

65C-20.010 Health and Safety Related Requirements.

Rulemaking Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, Repealed 10-25-17.

65C-20.011 Health Records.

Rulemaking Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, Repealed 10-25-17.

65C-20.012 Enforcement.

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

(1) Definitions.

(a) “Day” means a weekday, excluding weekends and holidays.

(b) “Probation” is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations within the control of the provider. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and, specified conditions under which the home must operate during the probationary period.

(c) “Standards” are requirements for the operation of a licensed family day care home or large family child care home provided in statute or in rule.

(d) “Technical Assistance” means a Department offer of assistance to a licensee or registrant to correct the statutory or regulatory violations.

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

1. “Class I Violation” is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5318, May 2019, Family Day Care Home Standards Classifications Summary and CF-FSP Form 5317, May 2019, Large Family Child Care Home Standards Classification Summary, which is incorporated by reference. A copy of CF-FSP Forms 5318 and 5317 may be obtained from the Department’s website www.myflfamilies.com/childcare or from the following links: http://www.flrules.org/Gateway/reference.asp?No=Ref-10486, and http://www.flrules.org/Gateway/reference.asp?No=Ref-10485. However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation. Class I violations are the most serious in nature.

2. “Class II Violation” is an incident of noncompliance with an individual Class II standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class II violations are less serious in nature than Class I violations.

3. “Class III Violation” is an incident of noncompliance with an individual Class III standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class III violations are less serious in nature than either Class I or Class II violations.

(2) Authority. The operation of a family day care home is prohibited unless registered or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home that is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards. Pursuant to Section 120.60(6), F.S., an emergency suspension order may also be used to stop the continued operation if the family day care home poses immediate serious danger to the public health, safety, or welfare of the children who are enrolled.

(3) Disciplinary Sanctions.
(a) Enforcement of disciplinary sanctions for all Class I violations and for repeated Class II and Class III violations shall be applied progressively for each standard violation. The documents entitled, Reconciliation of 2009 and 2017 Family Day Care Home Standards Classification Summaries and Reconciliation of 2009 and 2017 Large Family Child Care Home Standards Classification Summaries, CF-FSP Form 5422 and CF-FSP 5421, October 2017, which are incorporated into this rule, provide an alignment of the 2009 and 2017 Classification Summaries for purposes of progressive enforcement. A copy may be obtained at the following links: http://www.flrules.org/Gateway/reference.asp?No=Ref-08755, and http://www.flrules.org/Gateway/reference.asp?No=Ref-08756. In addition, providers will be offered technical assistance in conjunction with all violations. The classification of standard violations within the Family Day Care Home Standards and Large Family Child Care Home Classification Summaries and the progressive disciplinary actions prescribed for each class by this rule are based on the provisions of Section 402.310(1)(b), F.S.

(b) Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within CF-FSP Form 5318 and CF-FSP Form 5317.

(c) Technical assistance shall be provided for all violations. A grace period is provided, wherein a violation that has occurred more than two years prior to a subsequent violation of the same standard will not be counted for purposes of progressive discipline. A violation that has been withdrawn by the Department or has been dismissed as the result of an administrative proceeding held pursuant to Chapter 120, F.S., contesting an administrative complaint will not be counted for purposes of progressive discipline. A violation that is only reflected in an inspection report does not relieve the Department of its burden to prove that violation for purposes of progressive discipline upon the alleged occurrence of a subsequent violation.

(d) Failure to submit a completed CF-FSP Form 5133, Application for a License to Operate a Family Day Care Home, which is incorporated by reference in subsection 65C-20.008(1), F.A.C., or CF-FSP Form 5238, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference in paragraph 65C-20.013(3)(a), F.A.C., for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue an administrative complaint imposing a fine of $50.00 for the first occurrence, $100.00 for the second occurrence, and $200.00 for each subsequent occurrence within a five year period.

(e) Disciplinary sanctions for licensing violations shall be progressively enforced as follows:

1. Class I Violations.
   a. For the first and second violation of a Class I standard, the Department shall, upon applying the factors in section 402.310(1)(a)1., F.S., impose a fine not less than $100.00 nor more than $500.00 per day for each violation, and may impose other disciplinary sanctions in addition to the fine.
   b. For the third and subsequent violation of a Class I standard, the Department shall suspend, deny or revoke the license. The Department, upon applying the factors in section 402.310(1)(b), F.S., may also levy a fine not less than $100.00 nor more than $500.00 per day for each violation in addition to any other disciplinary sanction.

2. Class II Violations.
   a. For the second violation of the same Class II standard, the Department shall issue an administrative complaint imposing a fine of $50.00 for each violation.
   b. For the third violation of the same Class II standard, the Department shall impose a fine of $60.00 per day for each violation.
   c. For the fourth violation of the same Class II standard, the Department shall place the provider’s license on probation status for a period not to exceed six months, and shall also impose a fine of $75.00 per day for each violation.
   d. For the fifth and subsequent violation of the same Class II standard, the Department shall suspend, deny, or revoke the license and shall also impose a fine of $100.00 per day for each violation. However, for a fifth violation of a Children’s Health and/or Immunization standard, the Department will not place the provider’s license on probation status.

3. Class III Violations.
   a. For the third violation of the same Class III standard, the Department shall impose a fine of $25.00 for each violation. This violation, and subsequent violations of the same standard within a two year period will be classified as “Class III.”
   b. For the fourth violation of the same Class III standard, the Department shall impose a fine of $30.00 per day for each violation.
   c. For the fifth violation of the same Class III standard, the Department shall place the provider’s license on probation status for a period not to exceed six months, and impose a fine of $40.00 per day for each violation.
   d. For the sixth and subsequent violation of the same Class III standard, the Department shall suspend, deny, or revoke the license, and impose a fine of $50.00 per day for each violation. However, for the sixth and subsequent violation of the same Class III
Children’s Health and/or Immunization standard, the Department will place the provider’s license or registration on probation status for a period not to exceed six months in lieu of suspending, denying, or revoking the license or registration.

(4) Imposition of an administrative fine shall be accomplished through an administrative complaint. Denial of a license or registration or conversion to probationary status pursuant to section 402.310, F.S., may be accomplished through an administrative complaint or a notice of intent to deny a pending renewal application.

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

Rulemaking Authority 402.310, 402.313, 402.3131, 402.405 FS. Law Implemented 402.310, 402.313, 402.3131, 402.405 FS. History–New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, 10-25-17, 6-12-19.

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

Rulemaking Authority 402.309, 402.3131 FS. Law Implemented 402.302, 402.302(13), 402.305, 402.309, 402.3131 FS. History–New 5-21-00, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10, Repealed 10-25-17.

65C-20.014 Gold Seal Quality Care Program.

(1) Definitions.

(a) “Class I Violation” has the same meaning as provided for the same term in subparagraph 65C-20.012(1)(e)1., F.A.C.

(b) “Class II Violation” has the same meaning as provided for the same term in subparagraph 65C-20.012(1)(e)2., F.A.C.

(c) “Class III Violation” has the same meaning as provided for the same term in subparagraph 65C-20.012(1)(e)3., F.A.C.

(d) Gold Seal Quality Care Provider means a family day care home or large family child care home licensed by the Department or local licensing authority, that meets the accreditation compliance requirements in section 402.281(1), F.S.

(e) “Gold Seal Quality Care Accrediting Association” means an accrediting association that has applied to and been approved by the Department as an accrediting association for the purpose of Gold Seal Designation pursuant to section 402.281(3), F.S.

(2) Gold Seal Quality Care Provider Requirements.

(a) Gold Seal Quality Care Provider Designation.

A licensed family day care home or large family child care home program seeking designation as a Gold Seal Quality Care provider shall apply to the Department on form CF-FSP Form 5386, Gold Seal Quality Care Provider Application, May 2019, which is hereby incorporated by reference, and provide all supporting documentation required by the form. This form may be obtained from the Department’s website at www.myflfamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-10579. Once reviewed and approved by the Department, the designation will be issued in the name of the provider. The designation will be effective the date approved by the Department through the duration of the provider’s accreditation certification, up to a maximum of five years, unless terminated by the Department or voluntarily surrendered by the provider, or if accreditation is revoked by the accrediting association.

(b) A licensed family day care home or large family child care home operating on a military installation must submit to the Department copies of any inspection reports conducted by the Department of Defense within 15 business days from the date of the inspection. The Department will review the inspection to determine compliance with criteria for the issuance and maintenance of an active Gold Seal Quality Care Provider Designation.

(c) In order to obtain and maintain Gold Seal designation, the applicant must:

1. Be accredited by an approved Gold Seal Quality Care Accrediting Association. The name and address on the accrediting association certificate required by CF-FSP Form 5386 must be the same as that on the provider’s license. A list of approved accrediting associations may be obtained from the Department website at www.myflfamilies.com/childcare.

2. Meet the criteria of section 402.281(4), F.S.

(d) To renew a Gold Seal Quality Care designation, the provider must submit CF-FSP Form 5386 at least 30 days prior to expiration of the current designation. The Department cannot guarantee late-filed renewal forms will be processed in time to avoid a lapse in the designation.

(3) Gold Seal Quality Care Enforcement.

(a) Gold Seal Quality Care providers must maintain accreditation and continuously meet the standards established by their Gold Seal Quality Care Accrediting Association in order to retain their designation. A provider’s Gold Seal designation will be terminated
upon expiration of its accreditation, or when its accreditation is surrendered or lost. The Gold Seal designation termination will be effective on the expiration date or on the date the accrediting association no longer acknowledges the provider’s accreditation.

(b) A provider’s Gold Seal designation will be terminated if the Department or local licensing agency determines the provider has committed a disqualifying minimum standards violation as defined in section 402.281(4), F.S. The termination will be effective as of the date of final agency action on the termination.

(c) The Department will notify providers accredited by a Gold Seal accrediting association that has lost its status as an approved accrediting entity and will afford such providers 180 days from the date of notification, to obtain a new accreditation certificate from an approved Gold Seal Quality Care Accrediting Association. The Department will thereafter terminate the Gold Seal designation of any provider that is not accredited by an approved accrediting association at the conclusion of the 180 day period.

(4) Gold Seal Quality Care Accrediting Association Requirements.

(a) An accrediting association seeking recognition as a Gold Seal Quality Care Accrediting Association must:

1. Have been active and accrediting child care family day care homes and large family child care homes in Florida for a period of five years prior to submission of an application to the Department.
2. Hold an active corporation registration with the Florida Department of State to do business in Florida.
3. Submit and meet all requirements outlined on the CF-FSP Form 5315, Gold Seal Quality Care Accrediting Association Application, May 2019, which is incorporated by reference. CF-FSP Form 5315 may be obtained from the Department’s website at www.myffamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-10484.
4. Submit a crosswalk of the Accrediting Association’s standards with the Department’s Gold Seal Quality Standards.

(b) Applications will be accepted only in January and July each year. An accrediting association whose application is denied cannot reapply until at least six months from the date of the denial.

(c) An application and all supporting documentation submitted by an accrediting association for approval as a Gold Seal Quality Care Accrediting Association will be reviewed in consultation with entities described in Section 402.281(3), F.S. Applicants must obtain an overall compliance percentage of 85% or higher of the standards outlined on form CF-FSP 5390, Gold Seal Quality Care Accrediting Association Evaluation Manual for Family Day Care Homes and Large Family Child Care Homes, April 2015, this form is incorporated by reference and a copy of this form may be obtained from the Department’s website at www.myffamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-05509. The Department will evaluate applications in the manner described in the Gold Seal Quality Care Program Review Process and Procedures, April 2015 document, which is incorporated by reference and may be obtained from the Department’s website at www.myffamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-05512.

(d) The Department’s Gold Seal Quality Care Standards are established in CF-FSP Form 5388, Gold Seal Quality Care Standards for Family Day Care Homes and Large Family Child Care Homes, April 2015, incorporated by reference and copies may be obtained from the Department’s website at www.myffamilies.com/childcare or from the following link: http://www.flrules.org/Gateway/reference.asp?No=Ref-05508.

(e) A Gold Seal Quality Care Accrediting Association approval is valid only for the entity to which it is issued for a maximum of five years, unless terminated by the Department or voluntarily surrendered during the approved period.

(f) A Gold Seal Quality Care Accrediting Association must annually submit the Attestation on page 5 of the Gold Seal Quality Care Accrediting Association Application, CF-FSP 5315. If changes have occurred, the appropriate supporting documentation of the change must accompany the Attestation.

(g) The following acts or omissions are grounds for revocation of an accrediting association’s approval.

1. Failure to notify the Department of a change in the association’s administration, corporate structure or any condition under which the accreditation association was initially approved by the Department.
2. Any changes resulting in the Association’s inability to meet the criteria provided in Section 402.281, F.S.

(h) A Gold Seal Accrediting Association must notify the Department, in writing, within fifteen days of a revocation or expiration of the accreditation of a family day care home or large family child care home in Florida. The notification must include a copy of the revocation or expiration letter issued to the provider, stating the specific reasons for revocation or expiration. Failure to provide the Department such written notification will be grounds for terminating the association’s approval as a Gold Seal Accrediting Association, and the association will be precluded from reapplying for approval for a period of two years.

(i) Gold Seal Quality Care Associations must apply to renew approval by submitting CF-FSP Form 5315 a minimum of six months prior to end of the five-year approval period. A current Gold Seal accrediting association whose approval expires prior to
July 1, 2015, and which timely applies for renewal, will not be required to complete the standards crosswalk described in subparagraph (4)(a)4., above, or otherwise demonstrate its accreditation standards meet or exceed the Department’s Gold Seal standards in order to have its approval renewed.

(j) An accrediting association approved under this rule must notify the Department and all of its accredited providers in writing 6 months in advance of any intent to surrender its approval or to allow it to expire. An approved accrediting association which fails to comply with this requirement will be precluded from re-applying for approval for a period of five years from the lapse of the existing approval.

(k) The Department will not recognize Gold Seal accreditations issued by an entity that has not been approved as a Gold Seal Quality Care Accrediting Association.

(l) An Accrediting Association approved by the Department as a Gold Seal Quality Care Accrediting Association may not contract with or otherwise authorize any other entity or parties, including affiliated groups, and membership groups or subgroups, to issue accreditations to Florida child care providers for the purposes of Gold Seal designation.

Rulemaking Authority 402.281 FS. Law Implemented 402.281 FS. History–New 5-1-08, Amended 1-13-10, 7-7-15, 10-25-17, 6-12-19.