



# Opening a Licensed Family Day Care Home

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Opening a licensed Family Day Care Home (FDCH) can be challenging and requires planning and preparation. Every FDCH subject to licensing must meet the licensing standards established by Florida Statutes 402.301-.319 F.S., Florida Administrative Code 65C-20, F.A.C., and the Family Day Care Home/ Large Family Child Care Home Handbook which is incorporated by reference in rule 65C-20.008. These laws can be found at: <https://www.myflfamilies.com/service-programs/child-care/laws-and-requirements.shtml>

## **Family Day Care Home Definition:**

Section 402.302(8), Florida Statutes, defines family day care home as “an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit.”

## **Child Care Regulation in Florida:**

The Office of Child Care Regulation in the Department of Children and Families is statutorily responsible, per Florida Statutes 402.313, F.S. and Florida Administrative Code 65C-20, F.A.C., for licensing child care programs in 62 of Florida’s 67 counties. The remaining five counties, Broward, Hillsborough, Palm Beach, Pinellas and Sarasota, have elected to designate a local licensing agency, per provisions in 402.306, F.S., to regulate child care licensing programs in their area. Local licensing programs must meet or exceed all standards established for the provision of child care in the State of Florida.

To locate child care licensing contact information statewide, please click on the following link:

<https://www.myflfamilies.com/service-programs/child-care/contacts.shtml>

The 5 Local licensing counties, Broward, Hillsborough, Palm Beach, Pinellas and Sarasota provide an additional link on that page for more information specific to their county.

## **Things to Consider:**

### *Business Considerations*

- Subdivision/Homeowner’s Covenants – Some subdivisions have covenants and by-laws that prohibit the operation of family day care homes. Verify there are no restrictions in your neighborhood or homeowner’s association that prohibit you from operating a family day care home. Family day care home providers must obtain written approval from local government entities, HOA (if applicable), and/or Landlord (if applicable), or a signed [attestation](#) acknowledging their responsibility for compliance.
- Occupational License – Some cities and counties require an occupational license for the operation of a family day care home. Check with your local building and Zoning Department to determine if an occupational license is required.
- Rental Properties – If renting your home, verify that your landlord agrees to this type of business.

- Radon Testing Requirements – Florida Statute 404.056 and Chapter 64E-5 Part XII B require that indoor radon levels must be measured in licensed family child care homes located in counties designated within the [“Intermediate”](#) or [“Elevated Radon Potential”](#) areas. These include 48 counties out of 67 counties. Tests must be completed within 1 year after the family child care home starts operation. These mandatory tests are to be conducted in accordance with [Florida Statute 404.056, Chapter 64E-5 Part XII B, and Mandatory Radon Testing Protocols](#) and reported to the Department of Health on forms [DH1777](#) or [DH1778](#).
- Location - Choose Safe Places: The Florida Department of Health (FDOH) is working to make sure that early care and education (ECE) programs are located in safe places – so that children aren’t exposed to dangerous chemicals during their care. Even if an ECE program meets current state licensing regulations, children could still be exposed to environmental contamination due to location and location history. Because children are the most sensitive population, they need to be protected against harmful elements. For a free environmental assessment of your home’s location, email the FDOH Hazardous Waste Site Health Risk Assessment Program at: [ChooseSafePlacesFlorida@flhealth.gov](mailto:ChooseSafePlacesFlorida@flhealth.gov), or call 877-798-2772. To find out more about Florida Choose Safe Places, visit: <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/safe-places.html>
- Tax Considerations – For information on tax requirements associated with operating a small business in your home, contact the IRS at 1 (800) TAX-1040.

To learn more about the program and make an informed decision, please review the information below.

**Opening a Family Child Care Home Program (OPENH) Course:**

The Department of Children and Families, Office of Child Care Regulation is offering a new online course, *Opening a Family Child Care Home Program*. The goal of this course is to provide individuals with an overview of opening a family child care home program in Florida. Upon completion of this course, child care professionals will be able to:

- Describe the responsibilities of a family child care provider
- Analyzes the need for a family child care home in your area and what services are needed
- Establish Goals and a guiding philosophy for your family child care home
- Identify the operational requirements of opening a family child care home
- Develop finance and budget management plans for the program
- Identify elements of program structure that need to be developed

Additionally, 0.3 CEUs may be earned for completing this three-hour course. To access this course, go to <https://www.myflfamilies.com/service-programs/child-care/> and select “Training & Credentialing.”

**The following information covers general requirements only.**

**Basic Requirements:**

Several basic requirements must be met before operating a Family Day Care Home.

- Operator must be 18 years of age or older.
- Operator must reside in the home.
- Operator cannot work outside the home during the hours of operation of the family day care home.

- The family day care home operator must have proof of a written Substitute Plan to provide at least one other competent adult, 18 years or older, to be available to substitute for the operator in an emergency.

**Training Requirements:**

A license will not be issued until you have successfully completed all required training and passed the associated competency exams. The Department’s online introductory training courses are available on the Department’s website at <https://www.myflfamilies.com/service-programs/child-care/training.shtml>

- **Introductory Training.** Operator, and substitute who works more than 40 hours a month, must complete the Department’s 30-clock hour Family Child Care Home training, which is comprised of the following five courses. Passage of a competency exam is required for each course.
  - ✓ Family Child Care Home Rules and Regulations (FCHR – 6 hours)
  - ✓ Health, Safety, and Nutrition (HSAN – 8 hours)
  - ✓ Identifying and Reporting Child Abuse and Neglect (CAAN – 4 hours)
  - ✓ Child Growth and Development (CGDR – 6 hours)
  - ✓ Behavioral Observation and Screening (BOSR – 6 hours)

Substitutes working less than 40 hours per month must complete the following training by passage of a competency exam prior to caring for children:

- ✓ Family Child Care Home Rules and Regulations (FCHR – 6 hours)

- **Literacy Training.** Operator, and substitute who works more than 40 hours a month, must complete a single course of training in early literacy and language development of children ages birth to five years. The course must be a minimum of 5-clock-hours or 0.5 Continuing Education Units (CEUs) and may be fulfilled through one of the following sources:

- ✓ One of the Department’s web based courses: Early Literacy Birth to Three or Emergent Literacy for VPK Instructors

**OR**

- ✓ An approved literacy course. A list of approved courses can be found here <http://ccrain.fl-dcf.org/documents/-99/560.pdf#page=1>

**OR**

- One college level early literacy course (for credit or non-credit) if taken within the last five years.

- **Annual In-service Training.** Once licensed, operator must complete 10-clock-hours or 1 Continuing Education Unit (CEU) of annual in-service training during the licensure year. For more information see <http://ccrain.fl-dcf.org/documents/6/92.pdf>

- **CPR/First Aid Training.** Operator and substitute must be certified in First Aid training and Pediatric cardiopulmonary resuscitation (CPR) procedures. CPR training may be classroom or online instruction, and must include an on-site instructor-based skills assessment that is documented by a certified CPR instructor. Documentation of the online course and onsite assessment must be maintained by the operator.

- **Safe Sleep/Shaken Baby Syndrome Training.** Operator and substitute(s) who work in a home that offers care to infants must have training regarding guidance on safe sleep practices and preventing shaken baby syndrome. One of the following courses must be completed:
  - ✓ DCF Health, Safety and Nutrition (HSAN – 8 hours)
  - OR**
  - ✓ DCF Safe Sleep Practices for Child Care (SAFE – 1 hour)
  - OR**
  - ✓ Early Learning Florida’s Safe Sleep Practices (SPELFL – 1 hour)
  
- **Fire Extinguisher Training.** Operator and substitute(s) must complete training in the use and operation of a fire extinguisher. This training is not offered by the Department.

To learn more about training requirements including on-line training, instructor based courses, or to schedule competency exams, please visit <http://ccrain.fl-dcf.com/documents/-99/2490.pdf>

**Background Screening Requirements:**

The operator, adult household members and children 12 to 17 years of age and the substitute must be cleared through background screening prior to the licensure of a family day care home. The screening components below will be completed as part of your application process:

- **Federal Bureau of Investigation (FBI) and Florida Department of Law Enforcement (FDLE).** Required for operator, adult household members and substitute. All electronic fingerprinting must be submitted and processed through the Background Screening Clearinghouse.
  - a) Instructions for registering as user in the Clearinghouse can be found at [http://www.dcf.state.fl.us/programs/backgroundscreening/docs/ClearinghousePortal\\_UserRegistrationGuide\\_DCF.pdf](http://www.dcf.state.fl.us/programs/backgroundscreening/docs/ClearinghousePortal_UserRegistrationGuide_DCF.pdf)
  - b) Guidance on initiating screenings through the Clearinghouse can be found at [http://www.dcf.state.fl.us/programs/backgroundscreening/docs/Clearinghouse\\_Results\\_InstructionGuide\\_DCF.pdf](http://www.dcf.state.fl.us/programs/backgroundscreening/docs/Clearinghouse_Results_InstructionGuide_DCF.pdf)

**IMPORTANT!** Operators must initiate all screenings through the Clearinghouse prior to fingerprinting. Failure to initiate the screening prior to fingerprinting may result in screening delays, an invalid screening, or the individual may have to be re-fingerprinted at an additional cost.

- **Out of State Criminal Record Checks.** Required for operator, adult household members and substitutes that have lived outside of the state of Florida in the preceding five years.
  - a) The background screening unit is able to utilize the FBI criminal history results to satisfy the out-of-state criminal record check requirement for individuals whose out-of-state residency was in a state that participates in the FBI National Fingerprint File (NFF) program. A list of states participating in the National Fingerprint File (NFF) program can be found at <https://www.fbi.gov/services/cjis/compact-council/interstate-identification-index-iii-national-fingerprint-file-nff>
  - b) If the individual’s prior state of residency **does not participate** in the FBI National Fingerprint File (NFF) program, an out of state criminal history record must be submitted to background screening unit for review. The results may be faxed to: (850) 487-6030, emailed to: [bgs.outofstate.admin@myflfamilies.com](mailto:bgs.outofstate.admin@myflfamilies.com) or mailed to: Department of Children and Families Background Screening Program 1317 Winewood

Boulevard, Building 6 Floor 3, Tallahassee, Florida 32399-0700. Nationwide criminal history record request information can be found at <http://www.dcf.state.fl.us/programs/backgroundscreening/docs/BackgroundScreening-CHR-AHContact-List.pdf>

- **Child Abuse and Neglect Registry Checks.** Required for operator, adult household members and substitute that have lived outside of the state of Florida in the preceding five years. Nationwide abuse and neglect registry record request information can be found at <http://www.dcf.state.fl.us/programs/backgroundscreening/docs/BackgroundScreening-CHR-AHContact-List.pdf>
- **Sex Offender Registry Checks.** Required for operator, adult household members and substitute that have lived outside of the state of Florida in the preceding five years. For nationwide sex offender searches, please visit <https://www.nsopw.gov/>
- **Juvenile Records Check (FDLE).** Required for all juvenile household members 12 to 17 years of age. Request must be submitted online through the [FDLE public portal](#). The ORI number FL721911Z must be used at the time of request. Complete instructions on how to request a juvenile record can be at <http://ccrain.fl-dcf.org/documents/6/1019.pdf#page=1>
- **Child Care Attestation of Good Moral Character (AGMC).** Required for operator, adult household members and substitute. This form can be found at <http://ccrain.fldcf.org/documents/6/78.pdf>
- **Employment History Checks.** Required for operator and substitute. A sample form can be reviewed at <http://ccrain.fl-dcf.org/documents/6/324.pdf>
- **Central Abuse Hotline Records Search (CAHRS).** Required for operator and household members. This form can be found at <http://ccrain.fl-dcf.org/documents/6/1005.pdf>
- **Mandatory Abuse and Neglect Reporting Requirements Form.** Required for operator and substitute. This form must be completed on an annual basis and can be found at <http://ccrain.fl-dcf.org/documents/6/96.pdf>

**Number of Children Allowed:**

A family day care home shall be allowed to provide care for one of the following groups of children, including those children under 13 years of age who are related to the operator:

- A maximum of four children from birth to 12 months of age; or
- A maximum of three children from birth to 12 months of age, and other children, for a maximum total of 6 children; or
- A maximum of 6 preschool children if all are older than 12 months of age; or
- A maximum of 10 children if no more than 5 are preschool age and of those 5, no more than 2 are under 12 months of age.

### **Additional Considerations:**

As a child care provider, you will need to consider these issues. These additional services are not required for licensure however to meet the needs of the families in your community this may be something to consider.

- Transportation – Prior to offering transportation services, child care providers should notify the local licensing office to ensure compliance with all transportation requirements. If you choose to provide transportation you must have a driver with a valid Florida driver’s license and valid certificate(s) of course completion of First Aid and Pediatric Cardiopulmonary Resuscitation (CPR) procedures. All vehicles, including privately owned passenger vehicles that are regularly used to transport children shall be inspected annually by a mechanic, have adequate liability insurance and have appropriate child safety restraints/seat belts. Additionally, a transportation log must be correctly completed by the driver and one other staff member and be maintained. We recommend taking the Department’s Transportation Safety course which provides information about licensing requirements and best practices designed to help keep children safe while passengers in child care program vehicles. To access this course, go to <https://www.myflfamilies.com/service-programs/child-care/> and select “Training & Credentialing.” For more information, please refer to the Transportation Fact Sheet located at <http://ccrain.fl-dcf.org/documents/7/216.pdf>
- Firearms – At all times when children are in care, all firearms and weapons, as defined in Section 790.001, F.S., must be stored in a location inaccessible to children and in accordance with Section 790.174, F.S. No firearms or weapons as defined in Section 790.001, F.S., shall be kept upon any person located on the premises, excluding federal, state or local law enforcement officers.
- Outdoor Play Area – An outdoor play space must be provided and must be clean and free of hazards and provide adequate ground cover or other protective surface around play equipment that is securely anchored. Homes that provide care for infants younger than 12 months only are not required to have an outdoor play area.
- Fencing – Fencing must be continuous with no gaps, and the bottom of the fence must remain at ground level and free from erosion or build up. Fencing must have at least two exits, with at least one being remote from the buildings. The home must have fencing or walls a minimum of four feet in height if the family day care home property borders any of the following:
  1. Laned road or laned street open to travel by the public;
  2. Road or street divided by a median and open to the public;
  3. Road or street open to travel by the public with a speed limit 25 miles per hour or greater;
  4. Lake, ditch, pond, brook, canal or other water hazards.
- Swimming Pools – Swimming pools more than one-foot-deep must have either a 4-foot minimum barrier on all sides or an operable pool alarm. All doors and gates surrounding the pool fence or barrier must be locked while children are in care. If the pool exceeds three feet in depth, one person who has completed a basic water safety course must be present at all times when the pool is in use. Wading pools are prohibited. Please refer to the Family Day Care Home/Large Family Child Care Home Handbook section 7.7 for more information about swimming pool requirements.

- Pets – Animals, pets or fowl must have current immunizations and be free from disease. Animals that are poisonous and/ or aggressive in nature are prohibited.

### **Application:**

**IMPORTANT!** Contact your local child care licensing office for guidance and further direction before completing an application for a license to operate a family day care home. Once all requirements are met the application process will begin.

- Complete the application which can be downloaded at <http://ccrain.fl-dcf.com/documents/6/57.pdf#page=1>
- A \$50 application fee is required for both initial applications and annual renewals.
- Mail completed application, including fee and supporting documentation, to the local Child Care licensing office in your area located at <https://www.myflfamilies.com/service-programs/child-care/contacts.shtml>

### **Processing the Application:**

Once your application is ready to be processed it will be assigned to a licensing counselor for review, if one has not been previously assigned.

- If the application is incomplete, it will be returned to you within 30 days. The returned application will contain a cover letter detailing the remaining information/corrections needed prior to resubmission.
- If the application is complete, a pre-licensure inspection will be conducted on your home. It is expected that your home will meet all licensure requirements at that time. Should you fail to achieve compliance in any area, technical assistance will be provided and additional direction given. The inspection process will be repeated once you are ready to try again. Please note, you will not be approved for a license until all noncompliant issues are resolved.
- Once a **complete** application is received it will be processed within 90 days. You will receive a Family Day Care Home license to operate once your application is approved and all licensing requirements are met. If you are denied, you will receive a letter advising you of the reason for the denial and providing you with additional information on your right to appeal.

### **Upon Licensure:**

Once your license is approved you can expect the following:

- You will be issued a license for a period of 1 year.
- During the licensure year you will receive a minimum of 2 onsite inspections.
- No later than 90 days prior to your license expiration, you will be notified that your license will soon expire. A completed application for renewal must be submitted to the licensing office no later than 45 Days prior to your license expiration date. \*
- You must submit a new application if you wish to continue to provide child care at your Family Day Care Home.

**\*Reminder:** Pursuant to 65C-20.008(3), F.A.C., failure to submit a completed application for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation.

### **Additional Information:**

If you have further questions or require additional information, please contact your local Office of Child Care Regulation. Contact information can be found at <https://www.myflfamilies.com/service-programs/child-care/contacts.shtml>