

Frequently Asked Questions Specific to Child Care Licensing:

1. What constitutes a child care program?

“Child care” is defined in Section 402.302, Florida Statutes. *“Child care” means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.*

If the program meets the definition of “child care,” the Department will evaluate additional details to determine if the program meets the definition of a “child care facility” or “family day care home” as defined in s. 402.302(2) and (8), Florida Statutes.

2. Who has to be screened?

Personnel for the purposes of background screening for child care facilities and family day care homes/large family child care homes includes owners, employees, substitutes, household members, and volunteers working more than 10 hours a week in child care providing care for children.

3. When do child care personnel have to be screened?

Child care personnel are required to complete level II background screening prior to employment. An employer may not hire, select, or otherwise allow an employee to have contact with any vulnerable person that would place the employee in a role that requires the background screening.

4. What is required for the screening to be complete?

- A. Level 2 screening
- B. Employment History checks
- C. A search of the criminal history records for each state that the applicant has resided in the past 5 years
- D. A search of the sexual predator and sexual offender registry for each state that the applicant has resided in the past 5 years
- E. A search of the child abuse and neglect registry of any state in which the applicant has resided in the past 5 years

5. When am I required to obtain child abuse and neglect checks from other states?

If an applicant has resided in another state other than Florida in the past 5 years, the check is required and must be maintained in the personnel records.

6. Who is responsible for obtaining the out of state criminal history check?

The Department will conduct all out of state criminal history checks.

7. When do I, as a provider, get a 45-day Provisional letter?

If an out of state check must be done in a state that does not participate in the National Fingerprint File (NFF) program, a 45-day provisional letter will be provided by the department. If the results have not been received after 45 days, the applicant is made Eligible. If the criminal history is returned after the 45-days and there is a disqualifying offense, then the status will change to Not Eligible.

8. How often do child care personnel have to be screened?

After the initial screening is completed, child care personnel must complete rescreening every five years. Additionally, if the individual has a lapse of employment in the child care industry that is greater than 90 days, a new screening must be processed.

9. What is the minimum age requirement for child care personnel including the Director/Operator?

A child care facility director/operator must be 21 or older. Child care personnel may be employed by a program at age 16. Individuals under the age of 16 may also be hired but are not authorized to supervise children alone and are not counted for the purposes of staff-to-child ratio. All child care personnel who work at the program while children are present, are subject to background screening.

Family Day Care Home operators must be at least 18 years of age and Large Family Child Care Home operators must be at least 21 years of age.

10. Who monitors/inspects child care personnel background screening records for compliance? And how often?

The Office of Licensing has the authority to ensure compliance through the inspection process. For licensed child care facilities, the inspection frequency is at least three times per year. For licensed family day care homes/large family child care homes, the inspection frequency is at least two times per year.

11. Do volunteers have to be screened?

Volunteers who assist on an intermittent basis for less than 10 hours per month do not need to be screened and are not authorized to supervise children alone; they must be under direct supervision of a person who meets the screening requirements.

12. Do students observing a classroom have to be screened?

Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.