

Child Care Determination Process

“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. (s. 402.302.(1), F.S.)



s. 402.302(2), F.S.: “Child care facility” includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

s. 402.302(8), F.S.: “Family day care home” means 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. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.

***A school-age program is exempt from licensure if it:**

1. Is located and operated by a public/nonpublic school.
2. Is strictly instructional or tutorial/academic in nature.
3. Meets these six criteria:
 - a) Operates for a short period of time
 - b) Does not advertise as a child care program that offers supervision
 - c) Children can enter and leave without adult supervision
 - d) Does not provide transportation for field trips
 - e) Does not serve meals/snacks other than ready-to-eat, individually pre-packaged, non-refrigerated food items
 - f) Does not receive School Readiness pursuant to s. 1002.88, F.S.;
4. Is operated by or affiliated with a National Membership Organization and is not Gold Seal designated.
5. Serves only children in grades 6 and above.

All school age exempt providers must submit prior to operating an Affidavit of Compliance with background screening.