

**CERTIFICATION OF CUSTODIAN OF RECORDS OF REGULARLY
CONDUCTED BUSINESS ACTIVITIES**

Pursuant to Fla. Stat. §90.803(6)(a) & (c), § 90.902(11), § 92.60(2), and/or § 92.605(5)

The undersigned declarant hereby declares, certifies, verifies or states the following:

I, _____ (Custodian of Records Name _____, am a duly authorized officer and/or custodian of
Print Name
records for the _____ (772) XXX-XXXX with authority to execute this
Name of Daycare Company Name Telephone Number
affidavit and to certify to the authenticity and accuracy of the records of regularly conducted business
activities which are the subject of this certification.

The records produced herewith, and described below, are original documents or are true copies of records of a regularly conducted business activity that:

- a) Were made at or near the time of the occurrence of the matters set forth by, or from the information transmitted by, a person having knowledge of those matters;
- b) Were kept in the course of the regularly conducted business activity; and
- c) Were made as a regular practice in the course of the regularly conducted business activity.

The total number of pages produced are (_____). The records provided are described and identified as follows (please enter any internal reference number or identification information and/or description below):

Description of information provided (Enrollment package for Johnny Doe. Sign in/out forms for the period of
MM/YYYY through MM/YYYY, etc.)

I declare under the penalty of perjury of the state or country in which this certification is made that the foregoing is true and correct.

Date Signature of Affiant/Declarant

Before me, the undersigned authority, personally appeared _____,
Print Name

who, being by me first duly sworn deposes and says that this certification is true and correct. The foregoing instrument was acknowledged under oath before me this _____ day of _____, 20____, by the individual whose name and signature appear above, and who _____ is personally known to me, or _____ produced the following identification

(ID Type and Number)

Signature of Notary Public in and for

State of _____

City/County of _____

Handout 2

Select Year: 2020

The 2020 Florida Statutes

Title XXX
SOCIAL WELFARE

Chapter 414
FAMILY SELF-SUFFICIENCY

[View Entire Chapter](#)

414.39 Fraud.—

(1) Any person who knowingly:

(a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive public assistance under any state or federally funded assistance program;

(b) Fails to disclose a change in circumstances in order to obtain or continue to receive any such public assistance to which he or she is not entitled or in an amount larger than that to which he or she is entitled; or

(c) Aids and abets another person in the commission of any such act,

commits a crime and shall be punished as provided in subsection (5).

(2)(a) Any person who knowingly:

1. Uses, transfers, acquires, traffics, alters, forges, or possesses;

2. Attempts to use, transfer, acquire, traffic, alter, forge, or possess; or

3. Aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of,

a food assistance identification card, an authorization, including, but not limited to, an electronic authorization, for the expenditure of food assistance benefits, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law commits a crime and shall be punished as provided in subsection (5).

(b) As used in this subsection, the term "traffic" includes:

1. Buying, selling, stealing, or otherwise effecting an exchange of food assistance benefits issued and accessed via electronic benefits transfer (EBT) cards, electronic benefits transfer (EBT) card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

2. Attempting to buy, sell, steal, or otherwise effect an exchange of food assistance benefits issued and accessed via electronic benefits transfer (EBT) cards, electronic benefits transfer (EBT) card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

3. Exchanging firearms, ammunition, explosives, or controlled substances, as defined in s. 893.02, for food assistance benefits;

4. Purchasing with food assistance benefits a product with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with food assistance benefits in exchange for cash or consideration other than eligible food; or

5. Intentionally purchasing products originally purchased with food assistance benefits in exchange for cash or consideration other than eligible food.

(c) Any person who has possession of two or more electronic benefits transfer (EBT) cards issued to other persons and who sells or attempts to sell one or more of these cards commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of this paragraph constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) In addition to any other penalty, a person who commits a violation of paragraph (c) shall be ordered by the court to serve at least 20 hours of community service. If the court determines that the community service can be performed at a nonprofit entity that provides the community with food services for the needy, the court shall order that the community service be performed at such an entity.

(3) Any person having duties in the administration of a state or federally funded public assistance program or in the distribution of public assistance, or authorizations or identifications to obtain public assistance, under a state or federally funded public assistance program and who:

(a) Fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, food assistance, an authorization for food assistance, a food assistance identification card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or public assistance from any other state or federally funded program with which he or she has been entrusted or of which he or she has gained possession by virtue of his or her position, or who knowingly fails to disclose any such fraudulent activity; or

(b) Knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of, funds given in exchange for food assistance program benefits or for any form of food assistance benefits authorization, commits a crime and shall be punished as provided in subsection (5).

(4) Any person who:

(a) Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of public assistance under any state or federally funded public assistance program for services that were not rendered; knowingly files a false claim or a claim for nonauthorized items or services under such a program; or knowingly bills the recipient of public assistance under such a program, or his or her family, for an amount in excess of that provided for by law or regulation;

(b) Knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources; or

(c) In any way knowingly receives, attempts to receive, or aids and abets in the receipt of, unauthorized payment or other unauthorized public assistance or authorization or identification to obtain public assistance as provided herein,

commits a crime and shall be punished as provided in subsection (5).

(5)(a) If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of \$200 in any 12 consecutive months, such person commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b) If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$200 or more, but less than \$20,000 in any 12 consecutive months, such person commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(c) If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$20,000 or more, but less than \$100,000 in any 12 consecutive months, such person commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(d) If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$100,000 or more in any 12 consecutive months, such person commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(e) As used in this subsection, the value of a food assistance authorization benefit is the cash or exchange value unlawfully obtained by the fraudulent act committed in violation of this section.

(f) As used in this section, "fraud" includes the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the intentional or deliberate alteration or destruction of computerized information or files, and the stealing of financial instruments, data, and other assets.

(6) Any person providing service for which compensation is paid under any state or federally funded public assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest or other means, whether directly or indirectly,

from a recipient of public assistance from such public assistance program, or from the family of such a recipient, shall notify the Department of Children and Families, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department, within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(7) Repayment of public assistance benefits or services or return of authorization or identification wrongfully obtained is not a defense to, or ground for dismissal of, criminal charges brought under this section.

(8)(a) The introduction into evidence of a paid state warrant made to the order of the defendant is prima facie evidence that the defendant did receive public assistance from the state.

(b) The introduction into evidence of a transaction history generated by a Personal Identification Number (PIN) establishing a purchase or withdrawal by electronic benefit transfer is prima facie evidence that the identified recipient received public assistance from the state.

(9) All records relating to investigations of public assistance fraud in the custody of the department and the Agency for Health Care Administration are available for examination by the Department of Financial Services pursuant to s. [414.411](#) and are admissible into evidence in proceedings brought under this section as business records within the meaning of s. [90.803\(6\)](#).

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food assistance, Medicaid, and temporary cash assistance, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

(11)(a) Subject to availability of funds, the department or the director of the Office of Public Benefits Integrity shall, unless the person declines the reward, pay a reward to a person who furnishes and reports original information relating to a violation of the state's public assistance fraud laws if the information and report:

1. Are made to the department, the Department of Financial Services, or the Department of Law Enforcement.
2. Relate to criminal fraud upon public assistance program funds or a criminal violation of public assistance fraud laws by another person.
3. Lead to the recovery of a fine, penalty, or forfeiture of property.

(b) The reward may not exceed 10 percent of the amount recovered or \$500,000, whichever is less, in a single case.

(c) The reward shall be paid from the state share of the recovery in the Federal Grants Trust Fund from moneys collected pursuant to s. [414.41](#).

(d) A person who receives a reward pursuant to this subsection is not eligible to receive funds pursuant to the Florida False Claims Act for Medicaid fraud for which the reward was received.

History.—s. 1, ch. 69-268; ss. 19, 35, ch. 69-106; s. 1, ch. 70-255; s. 354, ch. 71-136; s. 1, ch. 76-20; s. 2, ch. 92-125; s. 42, ch. 96-175; s. 218, ch. 97-101; s. 1037, ch. 97-103; s. 30, ch. 97-173; s. 9, ch. 99-333; s. 67, ch. 2000-153; s. 46, ch. 2000-165; s. 10, ch. 2010-144; s. 30, ch. 2010-209; s. 229, ch. 2014-19; s. 1, ch. 2014-119; s. 1, ch. 2016-185.

Note.—Former s. 409.325.

Handout 3

Select Year:

The 2020 Florida Statutes

Title XLVIII
K-20 EDUCATION
CODE

Chapter 1002
STUDENT AND PARENTAL RIGHTS AND
EDUCATIONAL CHOICES

[View Entire
Chapter](#)

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

- (1) Administer and implement a local comprehensive program of school readiness program services in accordance with this part and the rules adopted by the office, which enhances the cognitive, social, and physical development of children to achieve the performance standards.
- (2) Establish a uniform waiting list to track eligible children waiting for enrollment in the school readiness program in accordance with rules adopted by the office.
- (3) Establish a resource and referral network operating under s. 1002.92 to assist parents in making an informed choice and provide maximum parental choice of providers and to provide information on available community resources.
- (4) Establish a regional Warm-Line as directed by the office pursuant to s. 1002.82(2)(t). Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family day care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family day care homes may need as they serve children with disabilities and other special needs.
- (5) Establish an age-appropriate screening, for children ages birth to 5 years, of each child's development and an appropriate referral process for children with identified delays. Such screening shall not be a requirement of entry into the school readiness program and shall be only given with parental consent.
- (6) Implement an age-appropriate preassessment and postassessment of children if specified in the coalition's approved plan.
- (7) Determine child eligibility pursuant to s. 1002.87 and provider eligibility pursuant to s. 1002.88. Child eligibility must be redetermined annually. A coalition must document the reason a child is no longer eligible for the school readiness program according to the standard codes prescribed by the office.
- (8) Establish a parent sliding fee scale that provides for a parent copayment that is not a barrier to families receiving school readiness program services. Providers are required to collect the parent's copayment. A coalition may, on a case-by-case basis, waive the copayment for an at-risk child or temporarily waive the copayment for a child whose family's income is at or below the federal poverty level and whose family experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes. A parent may not transfer school readiness program services to another school readiness program provider

until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation.

(9) Establish proper maintenance of records related to eligibility and enrollment files, provider payments, coalition staff background screenings, and other documents required for the implementation of the school readiness program.

(10) Establish a records retention requirement for sign-in and sign-out records that is consistent with state and federal law. Attendance records may not be altered or amended after December 31 of the subsequent year.

(11) Follow the tangible personal property requirements of chapter 274 and rules adopted under that chapter.

(12) Comply with federal procurement requirements and the procurement requirements of ss. 215.971, 287.057, and 287.058, except that an early learning coalition is not required to competitively procure direct services for school readiness program and Voluntary Prekindergarten Education Program providers.

(13) Establish proper information technology security controls, including, but not limited to, periodically reviewing the appropriateness of access privileges assigned to users of certain systems; monitoring system hardware performance and capacity-related issues; and ensuring appropriate backup procedures and disaster recovery plans are in place.

(14) Develop written policies, procedures, and standards for monitoring vendor contracts, including, but not limited to, provisions specifying the particular procedures that may be used to evaluate contractor performance and the documentation that is to be maintained to serve as a record of contractor performance. This subsection does not apply to contracts with school readiness program providers or Voluntary Prekindergarten Education Program providers.

(15) Monitor school readiness program providers in accordance with its plan, or in response to a parental complaint, to verify that the standards prescribed in ss. 1002.82 and 1002.88 are being met using a standard monitoring tool adopted by the office. Providers determined to be high-risk by the coalition, as demonstrated by substantial findings of violations of federal law or the general or local laws of the state, shall be monitored more frequently. Providers with 3 consecutive years of compliance may be monitored biennially.

(16) Adopt a payment schedule that encompasses all programs funded under this part and part V of this chapter. The payment schedule must take into consideration the average market rate, include the projected number of children to be served, and be submitted for approval by the office. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(17) Implement an anti-fraud plan addressing the detection, reporting, and prevention of overpayments, abuse, and fraud relating to the provision of and payment for school readiness program and Voluntary Prekindergarten Education Program services and submit the plan to the office for approval, as required by s. 1002.91.

(18) By October 1 of each year, submit an annual report to the office. The report shall conform to the format adopted by the office and must include:

(a) Segregation of school readiness program funds, Voluntary Prekindergarten Education Program funds, Child Care Executive Partnership Program funds, and other local revenues available to the coalition.

(b) Details of expenditures by fund source, including total expenditures for administrative activities, quality activities, nondirect services, and direct services for children.

(c) The total number of coalition staff and the related expenditures for salaries and benefits. For any subcontracts, the total number of contracted staff and the related expenditures for salaries and benefits must be included.

(d) The number of children served in the school readiness program, by provider type, enumerated by age and eligibility priority category, reported as the number of children served during the month, the average participation throughout the month, and the number of children served during the month.

(e) The total number of children disenrolled during the year and the reasons for disenrollment.

(f) The total number of providers by provider type.

(g) A listing of any school readiness program provider, by type, whose eligibility to deliver the school readiness program is revoked, including a brief description of the state or federal violation that resulted in the revocation.

(h) An evaluation of its direct enhancement services.

(i) The total number of children served in each provider facility.

(19) Maintain its administrative staff at the minimum necessary to administer the duties of the early learning coalition.

(20) To increase transparency and accountability, comply with the requirements of this section before contracting with a member of the coalition or a relative, as defined in s. [112.3143\(1\)\(c\)](#), of a coalition member or of an employee of the coalition. Such contracts may not be executed without the approval of the office. Such contracts, as well as documentation demonstrating adherence to this section by the coalition, must be approved by a two-thirds vote of the coalition, a quorum having been established; all conflicts of interest must be disclosed before the vote; and any member who may benefit from the contract, or whose relative may benefit from the contract, must abstain from the vote. A contract under \$25,000 between an early learning coalition and a member of that coalition or between a relative, as defined in s. [112.3143\(1\)\(c\)](#), of a coalition member or of an employee of the coalition is not required to have the prior approval of the office but must be approved by a two-thirds vote of the coalition, a quorum having been established, and must be reported to the office within 30 days after approval. If a contract cannot be approved by the office, a review of the decision to disapprove the contract may be requested by the early learning coalition or other parties to the disapproved contract.

History.—s. 17, ch. 2013-252; s. 178, ch. 2014-17; s. 17, ch. 2016-238; s. 3, ch. 2018-136.

6M-4.500 Child Attendance and Provider Reimbursements.**(1) General Provisions.**

(a) A school readiness provider shall not receive payment for a student prior to the student's first day of attendance or after the student is terminated from the school readiness program.

(b) Reimbursement rates shall be paid based on a child's care level and unit of care as defined by the coalition's approved provider rate schedule for the county in which the provider's facility is located.

(c) Daily attendance documentation shall be maintained by each school readiness provider based on the terms of the Statewide School Readiness Provider Contract, specified in Rule 6M-4.610, Florida Administrative Code (F.A.C.). The provider must record daily child attendance using a paper sign-in and sign-out form or electronic attendance-tracking system that is maintained at the provider site to validate the attendance data. For electronic attendance systems, the provider must backup records on a regular basis to safeguard against loss. The sign-in and sign-out forms will vary by provider but must contain the following information:

1. Provider's name;
2. Child's first and last name;
3. Time in and out;
4. Date; and,

5. An authorized signature or electronic attendance-tracking system that records the date, child's name, and electronic signature, card swipe, entry of a personal identification number, or similar daily action taken by the parent or other person dropping off or picking up the child to, or from, the provider site. Authorized signature, paper or electronic, includes provider designee for children who are transported via school to or from the provider site or a parent or person authorized by the parent as documented in writing and on file with the provider.

(d) A provider shall be reimbursed for each day that there is documented evidence that the child was in attendance.

(e) For school readiness children who are transported to and/or from the provider site, attendance shall be documented in accordance with the applicable health and safety handbook for the provider type as specified in Rule 6M-4.620, F.A.C. A copy of each handbook may be obtained by contacting the Office of Early Learning, 250 Marriott Drive, Tallahassee, FL or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07457>.

(f) The provider must report any discrepancy, overpayment, or underpayment within sixty (60) calendar days of transmission of the reimbursement summary. Reported changes must include supporting documentation. Discrepancies validated by the coalition will be corrected for reimbursement purposes.

(g) For a child who is authorized only full-time care, a coalition shall not recoup or adjust a provider's reimbursement for days a child attends part-time.

(h) The coalition shall not reduce authorized hours of care prior to redetermination unless the parent requests a reduction in the authorized hours of care based on hours of care needed.

(i) The coalition must conduct monitoring activities in accordance with Rule 6M-4.630, F.A.C., to ensure the accuracy of payments of the monthly reimbursement requests. If it is determined through monitoring of the attendance documentation that a provider received an improper payment (overpayment or underpayment), a payment adjustment is required to correct the improper payment.

(j) In order for a provider to be reimbursed for a child served by a coalition other than the coalition where the provider is located, the provider must have executed a Statewide School Readiness Provider Contract with the coalition of the child's residence prior to enrollment and reimbursement. The provider's reimbursement rates shall be negotiated in accordance with the approved school readiness plan of the contracted coalition. However, the provider reimbursement rate shall not exceed the contracted coalition's approved school readiness rates based on the child's care level and unit of care.

(k) In accordance with Section 1002.84(10), F.S., attendance records may not be altered or amended after December 31 of the subsequent year.

(2) Monthly certification of child attendance for payment reimbursement.

(a) A provider must complete and certify a monthly roster, using the statewide information system, that lists each child enrolled in the provider's school readiness program, and includes spaces for a private provider or public school to report a child's attendance for the calendar month. In the event the statewide information system is non-operational, the early learning coalition shall provide the school readiness provider with a monthly roster.

(b) For each calendar month that a school readiness provider participates in the school readiness program, the coalition shall not

pay the school readiness provider until the provider submits a monthly attendance roster to the coalition which certifies the attendance of each enrolled child from the prior month.

(c) If a child arrives at a school readiness provider's site but the provider or school refuses the child's attendance, the provider or school must record the instructional day as a non-reimbursable absence. However, the provider may be reimbursed as a reimbursable absence in the case the child is ill as documented by the parent or provider and in accordance with paragraph four (4) of this rule.

(3) Holidays.

(a) A recognized holiday as approved by the local coalitions shall not be counted as an absence for purposes of reimbursement. The coalition shall include reimbursements to providers of full and part-time care for up to twelve (12) recognized holidays per year as authorized in the Statewide School Readiness Provider Contract.

(b) For school-aged children authorized part time care, a provider shall be reimbursed at a part time rate if a child care provider is closed on a coalition approved holiday. If a school-aged child is authorized full time care on school holidays, school closures or teacher inservice days, a provider shall be reimbursed at a full time rate if the provider is open. For school-aged children authorized full time care during the summer, a provider shall be reimbursed at the full time rate for coalition approved holidays.

(c) For a school-aged child, if the child is scheduled to attend full time at a provider that is open on a day when school is closed and does not attend because his/her parent has opted to keep the child home that day, the provider shall be reimbursed at the full time rate in accordance with paragraph (4)(a), below.

(4) Absences.

(a) Reimbursement shall be authorized for no more than three (3) absences per calendar month per child except in the event of extraordinary circumstances in which case the coalition or its designee shall document approval for payment based on written documentation provided by the parent justifying the excessive absence for up to an additional seven (7) days. Extraordinary circumstances does not include vacation or recreational time.

Examples of extraordinary circumstances include the following:

1. Hospitalization of the child or parent with appropriate documentation (i.e., doctor's note, hospital admission),
2. Illness requiring home-stay as documented (doctor's note, parent statement),
3. Death in the immediate family with appropriate documentation (i.e., obituary, death certificate, parent statement),
4. Court ordered visitation with appropriate documentation (i.e., court order), or
5. Unforeseen documented military deployment or exercise of the parent(s) (i.e., military orders of deployment, reserve duty),

(b) Total monthly reimbursed absences shall not exceed ten (10) calendar days.

(c) If a child is absent for five (5) consecutive days of the child's regular scheduled attendance, during a calendar month, with no contact from the parent, the provider shall submit written notification to the local coalition or its designee who in turn shall determine the need for continued care. The coalition shall document in the case file all attempts to contact the parent by the coalition, provider, or referring agency, if applicable.

(d) If the child has ten (10) unexplained absences during a total calendar month of attendance, with no contact from the parent, the provider shall submit written notification to the local coalition or its designee who in turn shall determine the need for continued care. The coalition shall document in the case file all attempts to contact the parent by the coalition, provider, or referring agency, if applicable. If a determination is made that school readiness services are no longer needed, the local coalition or designee shall send a notice of termination to the parent and school readiness provider at least 2 weeks prior to disenrollment pursuant to Rule 6M-4.200, F.A.C. If the authorized eligibility period ends in less than 2 weeks, the notice of disenrollment will be sent stating that services will end on the last day of the current eligibility period. However, an at-risk child may not be disenrolled from the program without the written approval of the Child Welfare Program Office of the Department of Children and Families or the community-based lead agency. A notice of termination shall be maintained in the case file and provided to the parent, provider and referring agency.

(e) When an at-risk child has an unexcused absence or seven consecutive days of excused absences, the school readiness provider shall notify the Department of Children and Families or community-based lead agency and the early learning coalition prior to the close of business on the day of the absence. The coalition shall document any contact made with the provider, referring agency and parent in the case file. This paragraph shall apply to all at-risk children under the age of school entry.

(5) Reimbursement for Contracted Slots. If a coalition participates in the Contracted Slots Program and the coalition determines a provider is eligible for the program in accordance with Rule 6M-4.610, F.A.C., then the coalition may reimburse the provider up to 10% above the 75th percentile of the market rate determined in accordance with Section 1002.895, F.S. If the market rate data is not available or is based on a sample size of less than four for a specific provider type and/or care level by county, then the rate shall be

based on the statewide market rate for the applicable provider type and/or care level. The portion of the contracted slots reimbursement up to the provider's private pay rate shall be funded by school readiness direct service billing groups. The remaining portion of the contracted slots reimbursement exceeding the provider's private pay rate shall be funded as a quality expenditure, however, the contracted slots reimbursement rate is not considered a quality improvement program and is not included in the calculation of the 20% limit for combined quality improvement program differentials.

(6) Reimbursement for Registration Fees. If a provider has indicated that it charges a registration fee in Exhibit 5 of the State of Florida Statewide School Readiness Provider Contract, Form OEL- SR 20, as incorporated by reference in Rule 6M-4.610, F.A.C., the coalition shall pay the provider a registration fee for each child enrolled in the School Readiness program. The coalition shall pay the registration fee two (2) times within a five (5) year period during a child's continuous eligibility for the program. Five continuous years begins with the effective date of this rule.

(a) The coalition shall pay a registration fee of up to seventy-five dollars per eligible child. The payment for the registration fee shall not exceed the provider's published private registration fee. The coalition shall reimburse the registration fee with the reimbursement for the child's first month of attendance with the provider. For children currently enrolled in the program, the coalition shall reimburse the provider the registration fee the next time the fee is due to the provider after the effective date of this rule. If a child is attending different providers concurrently, the coalition shall pay the registration fee to the provider that the child attends the majority of the time. If a child concurrently attends all providers an equal amount of time, the registration is paid to the provider where the child has been enrolled the longest.

(b) If there is a break in the child's eligibility of at least twelve consecutive months, the two-time limit starts over.

(c) If the child's provider closes or has its contract terminated, the coalition shall pay the registration fee to the new provider. This payment is considered a one-time exception and does not apply to the two-time limit.

(d) If the family experiences hardship requiring a transfer to a different provider, the coalition shall pay the registration fee to the new provider. This payment is considered a one-time exception and does not apply to the two-time limit. Hardship may be demonstrated by evidence of one or more of the following:

1. Illness of the child or parent requiring the family to relocate.
2. Loss of a parent resulting in family relocation.
3. Loss of employment resulting in family relocation.
4. Eviction requiring the family to relocate.
5. Natural or man-made disaster.
6. Child expulsion in accordance with the provider's policies.

(e) The coalition shall recoup the registration fee in cases where a provider expels a child within three (3) months of enrollment.

(7) Reimbursement for Children with Special Needs.

(a) A child care provider may be reimbursed by the coalition at a higher rate if caring for any school readiness child with special needs requiring additional care beyond services required by the Americans with Disabilities Act (ADA). To receive a special needs rate, a child care provider must submit a list of the special needs services it is providing for each special needs child, in addition to the routine school readiness services. A special needs rate may be negotiated up to twenty (20) percent above the maximum approved base reimbursement rate established for infant care by the coalition. However, any amount that exceeds the providers private pay rate for infant care shall be classified as a quality expenditure.

(b) To receive a special needs rate, in addition to the base rate, it must be requested by the provider and approved by the coalition. A special needs rate shall be reimbursed for a school readiness child that has a documented physical, mental, emotional, or behavioral condition that requires a higher level of care in the child care setting. The special need child's condition must be validated by a licensed health, mental health, education or social service professional other than the child's parent or person employed by the child care provider.

(8) Reimbursement for Combined Quality Programs.

(a) Coalitions may reimburse providers participating in a combination of state, as described in subsections (9), (10), and (11) of this rule, or local quality programs not to exceed twenty (20) percent above the provider's private pay rate to support quality. This calculation does not include the contracted slots reimbursement rate. Payments may exceed private pay rates if they are designed to pay providers for additional costs associated with offering higher-quality care. Any amount that exceeds the providers' private pay rate shall be classified as a quality expenditure.

(b) A child care provider that is currently participating in a state or local quality improvement program, as documented by the coalition and approved by the Office of Early Learning, may receive a differential rate higher than the coalition's approved base reimbursement rate for each care level and unit of care. The reimbursement rate for each state and local quality improvement differential shall be calculated using an early learning coalition's approved base reimbursement rate for each care level and unit of

care.

(9) Reimbursement for Gold Seal Quality Care Programs. A child care provider that has a current Gold Seal Quality Care designation, as defined in Section 402.281, F.S, may receive a differential rate higher than the coalition's approved base reimbursement rate for each care level and unit of care. The reimbursement rate for the Gold Seal differential may be negotiated up to twenty (20) percent above an early learning coalition's approved base reimbursement rate for each care level and unit of care.

(10) Reimbursement for Quality Performance Incentive.

(a) An eligible child care provider that receives a program assessment composite score above the Quality Improvement Threshold score, as defined in Rule 6M-4.741, F.A.C., shall receive a tiered Quality Performance Incentive differential rate above the coalition's approved base reimbursement rate for each care level and unit of care.

(b) A child care provider's Quality Performance Incentive differential shall be based on the most recent program assessment composite scores. The differential will be adjusted at the beginning of the new Statewide School Readiness Provider Contract year.

1. Providers that receive program assessment composite scores of 4.00 to 4.99 shall receive a four (4) percent Quality Performance Incentive differential.

2. Providers that receive program assessment composite scores of 5.00 to 5.99 shall receive a seven (7) percent Quality Performance Incentive differential.

3. Providers that receive program assessment composite scores of 6.00 to 7.00 shall receive a ten (10) percent Quality Performance Incentive differential.

(c) A child care provider that is currently on a Quality Improvement Plan, pursuant to Rule 6M-4.740, F.A.C., is not eligible for the Quality Performance Incentive.

(11) Reimbursement for Child Assessments.

(a) An eligible child care provider, as defined in subsection (b) below, shall receive a child assessment differential reimbursement rate of five (5) percent higher than the coalition's approved base reimbursement rate for each care level and unit of care. This differential shall be paid within 60 days of conclusion of each assessment period with the monthly reimbursement. The differential shall be paid for all eligible children, as described in subsection (c) of this rule, assessed during the assessment period and in accordance with this rule, once all assessments have been successfully completed and submitted per the requirements of the OEL approved assessment tool. A child care provider who contracts for the SR Program at a time that does not allow three assessment periods to be completed in the contract year is not eligible for a differential.

(b) To be eligible to receive the child assessment differential rate, a provider shall complete child assessments with an OEL approved assessment tool conducted by teachers determined reliable as defined by the child assessment tool at least three times per year and submit valid and reliable data to the statewide information system. A child care provider that is currently on a Quality Improvement Plan, pursuant to Rule 6M-4.740, F.A.C., is not eligible for the child assessment differential reimbursement.

(c) To receive the differential, all eligible school readiness children ages birth to kindergarten entry, who have been enrolled at the provider for at least 60 days, shall be assessed during the eligible assessment periods on all domains as defined by the OEL – approved tool chosen by the provider. If a child enrolls at the provider later than 60 calendar days before the end of the assessment period, the child shall be assessed in the next assessment period.

(d) A roster of all birth to five classrooms must be submitted to the office through the OEL-defined system as required in Form OEL-SR 740 (November 2018), incorporated by reference in Rule 6M-4.740, F.A.C., and must indicate all teachers assigned to each classroom. A provider shall maintain at least 75% of teachers reported on the providers birth to five classrooms roster meeting the reliability requirements as defined by the OEL-approved assessment tool to receive the child assessment differential rate. If the provider falls below 75% due to the loss of a teacher or a teacher is no longer considered reliable, the provider will have 45 calendar days to replace the teacher with a reliable teacher. If the teacher is not replaced within 45 days of the previous teacher's last day of employment and the provider has not retained 75% of reliable teachers, the differential shall not be paid for the remainder of the contract term. If a provider falls below the 75% reliability requirements, they should notify the coalition within five business days of the last date of the previous teacher's employment or reliability for the current teacher expires.

(e) Assessments shall be conducted within the following periods and all data completed and uploaded in the last month of that period:

1. Assessment Period One – August 1 – October 31.
2. Assessment Period Two – November 1 – January 31.
3. Assessment Period Three – February 1 – April 30.

(f) A parent may decline to have a child assessed at the time of enrollment at the provider through the statewide information system.

Rulemaking Authority 1001.213(2), 1002.895 FS. Law Implemented 1002.82(2)(c), 1002.82(2)(f)1.a.(III), 1002.82(2)(k), (o), (p), 1002.87(8), (9), 1002.895 FS. History—New 2-2-05, Formerly 60BB-4.500, Amended 1-1-15, 5-28-17, 6-23-19.

65C-22.001 General Requirements.

(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, May 2019, 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.myflfamilies.com/childcare or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-10461>.

(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 background screening clearance documents for the owner/operator/director, and an approved fire inspection. Child care facilities that have a well system must maintain current written records indicating the well system meets the requirements of the Department of Health on an annual basis.

(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)(c), F.A.C.

(2) Urban Child Care.

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

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

2. Consult with the licensing authority to verify that the required outdoor play space, required by section 3.4.4, B of the Child Care Facility Handbook 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:

a. Is adjacent to the facility, or

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

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

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

(3) License.

(a) A child care facility license is issued in the name of the owner. The owner may be an individual, partnership, limited liability company (LLC), corporation, or other business or ownership entity recognized by the State of Florida. The license is non-transferable between owners and locations.

(b) During the hours of operation, the child care facility 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. A child care facility that utilizes any area that is subject to use by persons outside of the program must have exclusive control of such area when used by the program and provide effective measures to exclude individuals who do not meet screening and training requirements from that area.

(c) The child care facility must include their license number in any advertisement about their services.

(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.

(4) Change of ownership.

(a) 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. Distribute individual letters or flyers.

(b) A completed CF-FSP Form 5017 for a change of ownership must be submitted by the new prospective owner to the licensing authority prior to the final sale of the business. The Department has 45 days from receiving a completed application to issue a license to the new prospective owner.

(c) A change of ownership cannot be to a new corporation with some or all of the same corporate members.

(5) Supervision.

(a) Children that are delivered to a location offsite from the facility by someone other than the parent or guardian become the responsibility of the child care program at that designated location and time as agreed upon by the provider and the parent/guardian. The provider is responsible for the supervision of the child upon the child's arrival at the designated point. If a child is not present at the time of pick-up, prior to leaving the designated location, child care personnel must contact the facility to notify them of the child's absence. Child care personnel at the facility must contact the child's parent or legal guardian to notify them of their child's absence.

(b) Direct supervision means actively watching and directing children's activities within the same room or designated outdoor play area, during transportation, any activity outside of the facility, and responding to the needs of each child while in care. 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.

(6) Child Care Standards. Child care programs must follow the standards found in the "Child Care Facility 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-11491>.

(7) The following documents and forms are also incorporated by reference as part of this rule:

(a) CF-FSP Form 1649A, May 2019, Child Care Attestation of Good Moral Character. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10460>.

(b) CF-FSP Form 5131, May 2019, Background Screening and Personnel File Requirements. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10462>.

(c) CF-FSP Form 5191, May 2019, Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program Provider Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10581>.

(d) CF-FSP Form 5211, May 2019, Florida Child Care Staff Credential Verification Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10469>.

(e) CF-FSP Form 5217, October 2017, Volunteer Acknowledgement. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08732>.

(f) CF-FSP Form 5219, May 2019, Child Care Application for Enrollment. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10466>.

(g) CF-FSP Form 5252, October 2017, Florida Child Care and Education Program Director Credential. A copy 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-08734>.

(h) CF-FSP Form 5257, May 2019, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10467>.

(i) CF-FSP Form 5268, October 2017, Child Care In-Service Training Record. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08736>.

(j) CF-FSP Form 5270, October 2017, Florida Child Care Professional Credential Certificate. A copy 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-08737>.

(k) CF-FSP Form 5290, May 2019, Florida Child Care and Education Program Director Credential and Renewal Application. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10470>.

(l) CF-FSP Form 5337, October 2017, Child Abuse and Neglect Reporting Requirements. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08740>.

(m) CF/PI 175-24, March 2014, Know Your Child Care Facility. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08017>.

(n) CF/PI 175-70, May 2019, Influenza Virus, Guide to Parents. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-11269>.

(o) DH 680, July 2010, Florida Certificate of Immunization. A copy may be obtained from the following link:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08744>.

(p) DH 681, July 2008, Religious Exemption From Immunization. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08745>.

(q) DH 3040, July 2013, School Entry Health Exam. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08746>.

(r) CF-FSP 5429, Child Care Food Program Meal Pattern for Children (CCFP), October 2017. Copies may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10475>.

(s) CF-FSP 5428, Child Care Food Program Meal Pattern for Infants, October 2017. Copies may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-10474>.

(t) USDA MyPlate, August 2011. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03036>.

(u) Center for Disease Control guidelines, January 2013. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03037>.

(v) Caring for Our Children Basics, Health and Safety Foundations for Early Care and Education, June 2015. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08726>.

(w) Title 16, Parts 1219, 1220 & 1221 Code of Federal Regulations, 2014. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-08743>.

(x) CF/PI 175-12, May 2019, Distracted Adult. A copy may be obtained from the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-11263>.

Rulemaking Authority 402.305, 402.309, 402.310 FS. Law Implemented 402.305, 402.309, 402.319, 402.3054, 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, 8-1-13, 10-25-17, 1-29-20.

Parent Signature: _____

Attendance SIGN IN & SIGN OUT Form

Name of Facility / Provider: _____

Name of Child: _____ Month: _____ Year: _____

DATE	Time In	Signature of Person Who Drops Off the Child	Time Out	Signature of the Person Authorized to Pick Up the Child
1				
2				
3				
4				
5				
6				
7				
8				
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31				

ATTENDANCE SIGN IN/SIGN OUT SHEET

Month: _____ Year: _____

Must include Time In, Time Out, and Signature of each day attended (NO PARENT INITIALS)

Child's Name: _____

			Center Use Only if Child Leaves Site During the Day			
Day	Parent Time In	Parent Signature	Time Out & Center Initial	Time In & Center Initial	Parent Time Out	Parent Signature
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