



## *Nutrition, Active Play & Screen Time*

# Florida's Child Care Licensing Laws

Child care providers are in a unique position to cultivate practices by children that encourage healthy eating, active play and limited screen time. Nearly two-thirds of all three- to five-year-olds are in some form of child care. Children and youth spend up to 15 hours per week in afterschool and other out-of-school time (OST) activities when school is in session, or as many as 40 hours per week during the summer or other extended school breaks. Implementation of healthy eating and physical activity (HEPA) standards and programming in the child care setting is a natural complement to school wellness and early learning wellness initiatives. A focus on the licensed child care environment must be part of a comprehensive strategy to provide nutritious food and increased active play. This resource outlines how the current child care licensing laws in Florida address nutrition, breastfeeding, active play, and screen time compared to the YMCA of the USA's Healthy Eating and Physical Activity (HEPA) standards.<sup>1</sup>



### **Who regulates child care settings in Florida?**

The Florida Legislature has enacted relatively few statutes regulating child care, opting instead to

delegate broad authority to Department of Children and Families. This state agency has enacted a series of regulations governing the child care licensing structure in Florida. There are regulations relating to nutrition, physical activity, and screen time.

## What are child care programs?

There are three main categories of child care subject to licensure in Florida: (1) Child Care Facilities/Centers, (2) Family Day Cares & Large Family Child Care Homes, and (3) School-Age Child Care.

Categories of Child Care Subject to Licensure in Florida	
<b>Child Care Facilities/Centers</b>	A facility providing child care for more than five children unrelated to the operator. <sup>2</sup>
<b>Family Day Cares &amp; Large Family Child Care Homes</b>	<ul style="list-style-type: none"> <li>■ Family day care home is a facility that provides child care for children from at least two unrelated families for children under 13 years of age in an occupied residence.<sup>3</sup></li> <li>■ Large family child care home is a facility that provides child care for children from at least two unrelated families that has operated as a licensed family day care home for 2 years, with an operator that has a child development associate credential before seeking licensure as a large family child care home.<sup>4</sup></li> </ul>
<b>School-Age Child Care</b>	A facility serving school-age children or any before and after school programs that are licensed as a child care facility. <sup>5</sup>

## Are all types of child care arrangements required to get a license?

No, the law allows for certain facilities and arrangements to be exempt from licensure. Some of these exemptions include some programs run by public and nonpublic schools, summer camps, Bible schools during vacation periods, and resort child care facilities.<sup>6</sup> In some situations, these types of care are regulated by other standards but do not have to obtain a child care license. In addition, many after school programs are exempt from licensure, although some screening requirements still apply.<sup>7</sup> For example, a program that provides only activities that are strictly instructional or tutorial/academic in nature does not need a license, but that program cannot provide any services beyond its regular instructional and tutorial/academic activities, and cannot serve or prepare meals.<sup>8</sup> The regulations lists computer class, ballet, karate, gymnastics, baseball, and other sports as some examples of programs included in the exemption.

If a school-age child care center opts to provide meals/snacks to the youth in its care and it is not

eligible for or chooses not to participate in the At-Risk Afterschool Meals Program (i.e. located in a geographic area in which 50% or more of youth are from low-income households), the program must become licensed.

## Are the rules for all types of child care the same?

No, different rules apply to different types of licensed child care.

## Are there meal plan requirements for child care programs?

Yes, child care facilities/centers and school-age care programs must adhere to the USDA MyPlate standards regarding children's nutritional needs.<sup>9</sup> MyPlate mirrors the HEPA standards in many ways. It calls for skim or 1% milk and allows for 100% fruit juice. It also suggests that fruits and vegetables be fresh, frozen, dried or canned in water or 100% juice, and calls for whole grains. The MyPlate standards do not address other HEPA standards, such



as family style meals and snacks, fried foods, trans fats, added sugars or infant feeding. MyPlate does not provide a dietary pattern for children under two years old because the Dietary Guidelines for Americans do not address this age group.

Family day cares and large family child care homes must follow the USDA My Pyramid standards,<sup>10</sup> even though these standards were replaced by the MyPlate standards in 2011.<sup>11</sup> My Pyramid outlines recommendations for meat and beans, grains, vegetables, fruits, and milk, most of which do not specifically align with or address the HEPA standards.

The regulations for each setting could be updated to link the nutrition standards to Florida's Child

Care Food Program, or to the federal Child and Adult Care Food Program, which are discussed in a separate resource.

### **Do the child care laws require that children have access to drinking water at all times?**

Somewhat. In child care facilities/centers and school-age child care facilities, safe drinking water “shall be available to all children.”<sup>12</sup> The regulations require that family day care and large family child care homes have potable water available to “children of all ages at all times.”<sup>13</sup> The HEPA standards call for water to be accessible at all times, including at the table during snacks and meals. Florida regulations currently do not specifically require that water be at





the table during snacks and meals; this requirement could be added to the regulations for each setting.

**Are there laws specifically dealing with breast milk, nursing mothers, or breastfeeding as it relates to the child care setting?**

No. There is no mention of promoting breastfeeding or accommodating breastfeeding mothers, and the nutrition standards do not address breastmilk. The HEPA standards recommend that child care providers promote exclusive breastfeeding for infants through the age of six months, and continuation in conjunction with complementary foods for babies until they are at least one year old. Therefore, the regulations could be updated to require this practice in child care facilities, centers and family day care and large family child care homes.

**Does the law require children to have daily opportunities for moderate and vigorous physical activities?**

Not specifically. All three child care settings must provide a mixture of quiet and active play both indoors and outdoors.<sup>14</sup> In addition, child care facilities and school-age child care programs may not deny active play as a consequence for bad behavior.<sup>15</sup> The HEPA standards suggest providing children with opportunities for moderate and vigorous physical activity for 60 minutes per day for full-day programs and 30 minutes per day for half-day programs. Florida law follows the other HEPA standards for daily play outdoors and a variety of active play opportunities. However, the regulations do not include specific requirements for the level of play or a specific amount of time for any of the



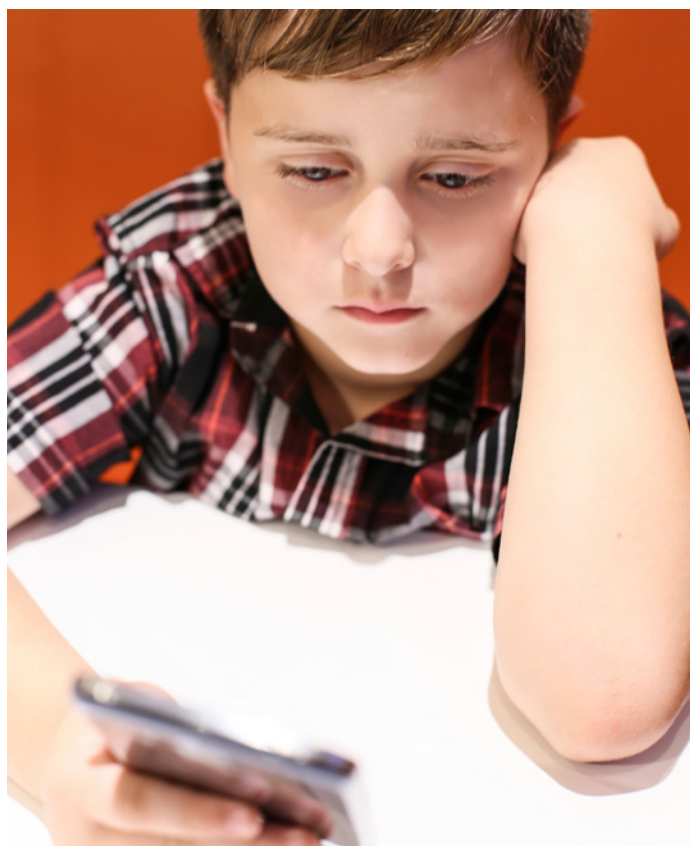
settings. Therefore, the licensing regulations could be updated to incorporate the level of active play and the corresponding time requirements.

### Are there special requirements for physical activity for infants?

Yes, child care facilities must provide time and space for infants to engage in developmental skills such as tummy time, crawling, turning over and sitting.<sup>16</sup> Also, child care facilities must ensure that infant seats only be used for 15 to 30 minute intervals and no more than two times a day.<sup>17</sup> At child care facilities, family day cares, and large family child care homes, infants must be provided the opportunity for outdoor time, weather permitting. But the law does not specifically address tummy time in family day cares and large family child care homes.<sup>18</sup> Therefore, the regulations for these settings could be updated to incorporate the HEPA standards which call for child care programs to provide infants with daily opportunities to explore indoor and outdoor environments under adult supervision, and daily tummy time for infants less than 6 months of age. Infant physical activity is not applicable to school-age child care facilities.

### Are there laws about screen time in child care programs?

Yes. In child care facilities and centers, electronic media may not be used for children younger than two years of age.<sup>19</sup> Those older than two years of age may only be exposed to electronic media for purposes of education or physical activity<sup>20</sup> and the exposure must be limited to no more than two hours a day.<sup>21</sup> In school-age child care programs, electronic media must be limited to two hours a day and computer use must be limited to fifteen-minute increments.<sup>22</sup> The law does not restrict screen time in family day cares and large family child care homes.



Therefore, each of the regulations could be updated to follow the definitions and requirements listed below.

#### HEPA Standards for Screen Time

Screen Time = TV, movies, cell phone, video games, computers, & other digital devices

Eliminate screen time for children under 2 years old

Limit screen time for children over 2 years old:

- 30 min/day for half-day programs
- 60 min/day for full-day programs

### Conclusion

Florida law does include some nutrition, active play and screen time standards for licensed child care providers. Yet, there are opportunities in each child care setting to incorporate best practices into the licensing regulations.

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## Endnotes

- <sup>1</sup> This resource addresses the HEPA standards that could be readily incorporated into licensing regulations, but does not include all the HEPA standards.
- <sup>2</sup> FLA. STAT. ANN. § 402.302(2) (2015).
- <sup>3</sup> FLA. STAT. ANN. § 402.302(8) (2015).
- <sup>4</sup> FLA. STAT. ANN. § 402.302(11) (2015).
- <sup>5</sup> FLA. ADMIN. CODE ANN. R. R. 65C-22.008(1)(b) (2015).
- <sup>6</sup> FLA. STAT. ANN. § 402.302 (2)(a),(b),(d),(e) (2015).
- <sup>7</sup> FLA. ADMIN. CODE ANN. R. 65C-22.008 (2)(c)(1) (2015).
- <sup>8</sup> FLA. ADMIN. CODE ANN. R. 65C-22.008 (2)(c)(2) (2015). The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration.
- <sup>9</sup> FLA. ADMIN. CODE ANN. R. 65C-22.005(1)(a) (2015).
- <sup>10</sup> FLA. ADMIN. CODE ANN. R. 65C-20.010(1)(t) (2015); *see also* USDA, MyPyramid, <http://ccrain.fl-dcf.org/documents/7/52.pdf#page=1> (last visited Aug. 17, 2015).
- <sup>11</sup> USDA, Choose My Plate, <http://www.choosemyplate.gov/about> (last visited Aug. 17, 2015).
- <sup>12</sup> FLA. ADMIN. CODE ANN. R. 65C-22.002(10)(a)(3); 65C-22.008(3)(k)(3) (2015).
- <sup>13</sup> FLA. ADMIN. CODE ANN. R. 65C-20.010(1)(p) (2015).
- <sup>14</sup> FLA. ADMIN. CODE ANN. R. 65C-22.001(7)(a)(4); 65C-20.013(9)(a)(2); 65C-22.008(2)(t)(12)(a)(II) (2015).
- <sup>15</sup> FLA. ADMIN. CODE ANN. R. 65C-22.001(8)(c); 65C-22.008(2)(n)(4) (2015).
- <sup>16</sup> FLA. ADMIN. CODE ANN. R. 65C-22.002(1)(d) (2015).
- <sup>17</sup> FLA. ADMIN. CODE ANN. R. 65C-22.002(1)(d) (2015).
- <sup>18</sup> FLA. ADMIN. CODE ANN. R. 65C-22.002(4)(h); 65C-20.010(1)(f); 65C-20.013(1)(b) (2015).
- <sup>19</sup> FLA. ADMIN. CODE ANN. R. 65C-22.001(7)(a)(2) (2015).
- <sup>20</sup> FLA. ADMIN. CODE ANN. R. 65C-22.001(7)(a)(2) (2015).
- <sup>21</sup> FLA. ADMIN. CODE ANN. R. 65C-22.001(7)(a)(3) (2015).
- <sup>22</sup> FLA. ADMIN. CODE ANN. R. 65C-22.008(2)(t)(12)(a)(I) (2015).