



Florida Child Care Licensing Laws: Healthy Food, Physical Activity and Screen Time Summary

Child care providers are important partners in helping children learn how to eat healthy and be physically active. Florida requires licensure of certain child care providers, and the licensing requirements include regulations about providing nutritious food and active play. The Public Health Law Center has reviewed the child care licensing statutes and regulations to identify the how the setting is defined, how it is regulated, and who is exempt from regulation. The review also identifies the public health requirements for child care providers (nutrition, active play, screen-time limitations, etc.). We have created several resources, including highlighted statutes and regulations and a detailed chart with key child care licensing components, found here: <http://www.publichealthlawcenter.org/resources/healthy-child-care/fl>. This resource provides a summary of Florida statutes and regulations impacting healthy food, physical activity and screen time.

	Child Care Licensing Laws/Regulations (relevant provision and citation)		
	Child Care Facilities/Centers	Family Day Cares & Large Family Child Care Homes	School-Age Child Care
Ages covered	• Ages not specified in statutes or regulations.	• Infant – 12-years-old ¹	• 5-years-old and older ²
Beverages—water	• Safe drinking water shall be available to all children. ³	• Safe drinking water shall be available to all children at all times. ⁴	• Safe drinking water shall be available to all children. ⁵
Beverages—milk, juice, other	• Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program, ⁶ which calls for skim or 1% milk, and allows 100% fruit juice. ⁷	• Meals and snacks are supposed to meet the daily nutritional needs of children using the foods/food groups in the USDA MyPyramid. However, MyPyramid was replaced in 2011 with MyPlate. ⁸	• Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program, ¹⁰ which calls for skim or 1% milk, and allows 100% fruit juice. ¹¹

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		<ul style="list-style-type: none"> • The MyPlate program⁹ calls for skim or 1% milk, and allows 100% fruit juice. 	
Beverages—sugar-sweetened beverages	<ul style="list-style-type: none"> • Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program.¹² 	<ul style="list-style-type: none"> • Meals and snacks are supposed to meet the daily nutritional needs of children using the foods/food groups in the USDA MyPyramid. However, MyPyramid was replaced in 2011 with MyPlate.¹³ 	<ul style="list-style-type: none"> • Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program¹⁴
Food—family style	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations
Food—fruits and vegetables	<ul style="list-style-type: none"> • Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program.¹⁵ The food groups are: (1) Vegetables, (2) Fruit, (3) Grains, (4) Dairy, (5) Protein. • Breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups.¹⁶ • MyPlate suggests fresh, frozen, dried or canned in water or 100% juice. • 100% fruit juice may count as a serving of fruit. 	<ul style="list-style-type: none"> • Meals and snacks are supposed to meet the daily nutritional needs of children using the foods/food groups in the USDA MyPyramid. However, MyPyramid was replaced in 2011 with MyPlate.¹⁷ • The USDA MyPlate program¹⁸ food groups are: (1) Vegetables, (2) Fruit, (3) Grains, (4) Dairy, (5) Protein. • Breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups.¹⁹ • MyPlate suggests fresh, frozen, dried or canned in water or 100% juice. • 100% fruit juice may count as a serving of fruit. 	<ul style="list-style-type: none"> • Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program.²⁰ The food groups are: (1) Vegetables, (2) Fruit, (3) Grains, (4) Dairy, (5) Protein. • Breakfast shall consist of at least three different food groups, lunch and dinner shall consist of at least four different food groups, and snacks shall consist of at least two different food groups.²¹ • MyPlate suggests fresh, frozen, dried or canned in water or 100% juice. • 100% fruit juice may count as a serving of fruit.
Food—fried foods	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations
Food—trans fats	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations

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Food—whole grains	<ul style="list-style-type: none"> Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program,²² which calls for whole grains.²³ 	<ul style="list-style-type: none"> Meals and snacks are supposed to meet the daily nutritional needs of children using the foods/food groups in the USDA MyPyramid. However, MyPyramid was replaced in 2011 with MyPlate.²⁴ The MyPlate program²⁵ calls for whole grains. 	<ul style="list-style-type: none"> Meals and snacks must meet the daily nutritional needs of children using the foods/food groups in the USDA MyPlate program,²⁶ which calls for whole grains.²⁷
Food—added sugar	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations
Infant feeding	<ul style="list-style-type: none"> There are rules for handling breast milk, but no mention of promoting breastfeeding or accommodating breastfeeding mothers. 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not Applicable.
Physical activity—defined time periods	<ul style="list-style-type: none"> The daily schedule must include quiet and active play, both indoors and outdoors.²⁸ Children may not be denied active play as a consequence of misbehavior.²⁹ 	<ul style="list-style-type: none"> The daily schedule must include quiet and active play, both indoors and outdoors.³⁰ 	<ul style="list-style-type: none"> Children may not be denied active play as a consequence of misbehavior.³¹
Physical activity—mixture of activities	<ul style="list-style-type: none"> The daily schedule must include quiet and active play, both indoors and outdoors.³² 	<ul style="list-style-type: none"> The daily schedule must include quiet and active play, both indoors and outdoors.³³ 	<ul style="list-style-type: none"> Not addressed in regulations
Physical activity--outdoor	<ul style="list-style-type: none"> The daily schedule must include quiet and active play, both indoors and outdoors.³⁴ 	<ul style="list-style-type: none"> The daily schedule must include quiet and active play, both indoors and outdoors.³⁵ 	<ul style="list-style-type: none"> The daily schedule must include both indoor and outdoor activities.³⁶
Infant physical activity—varied activity	<ul style="list-style-type: none"> Infants birth to 12 months should have adequate time and space to engage in activities that promote development of movement skills (tummy time, crawling, turning over, sitting, etc.).³⁷ Infant seats (swings, bouncers, etc.) should be used only for short periods of time, no more than 15 to 30 minute intervals 	<ul style="list-style-type: none"> Programs caring only for infants under 12 months of age shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.⁴⁰ 	<ul style="list-style-type: none"> Not Applicable.

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	<p>per infant and no more than two times per day that the child is in care.³⁸</p> <ul style="list-style-type: none"> • Infants in care shall be provided opportunities for outdoor time each day that weather permits.³⁹ 		
Infant Physical activity—tummy time	<ul style="list-style-type: none"> • Infants birth to 12 months should have adequate time and space to engage in activities that promote development of movement skills (tummy time, crawling, turning over, sitting, etc.).⁴¹ 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not Applicable.
Screen time - definitions	<ul style="list-style-type: none"> • Electronic media time = television, videos, movies, or computer games.⁴² 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Electronic media time = television, videos, movies, or computer games.⁴³
Screen time – under 2 yrs old	<ul style="list-style-type: none"> • Electronic media may not be used for children younger than 2 years of age.⁴⁴ 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not Applicable.
Screen time –over 2 yrs old	<ul style="list-style-type: none"> • Electronic media may only be used for educational purposes or physical activity for children older than 2 years of age.⁴⁵ • Electronic media must be limited to no more than 1 to 2 hours per day for children older than 2 years of age.⁴⁶ 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Electronic media must be limited to no more than 1 to 2 hours per day.⁴⁷ • Computer use should be limited to no more than fifteen-minute increments.⁴⁸
Screen time –food marketing	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations
Family engagement	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations
Staff modeling—healthy eating, in general	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations
Staff modeling—staff modeling, healthy	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations

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eating— meals and snacks			
Staff modeling— healthy eating, other foods	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations
Staff modeling— physical activity	• Not addressed in regulations	• Not addressed in regulations.	• Not addressed in regulations

Because child care licensing laws are constantly being reviewed, some statutes and regulations may have been updated since the Center collected them. Therefore, users should confirm whether there have been any revisions to state law since this information was gathered.

This research was funded by the Y-USA Pioneering Healthy Communities Project, and builds off of research originally funded by the Robert Wood Johnson Foundation’s Healthy Eating Research program.

The Public Health Law Center provides information and technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney. For more information on this project, please contact Natasha Frost at natasha.frost@wmitchell.edu or Julie Ralston Aoki at julie.ralstonaoki@wmitchell.edu.

¹ Definitions A11—Fla. Stat. Ann. § 402.302(8); A12—Fla. Stat. Ann. § 402.302(11)

² Fla. Admin. Code Ann. r. 65C-22.008(1)(a)

³ Nutrition C11—Fla. Admin. Code Ann. r. 65C-22.002(1)(a)(3)

⁴ Nutrition D11—Fla. Admin. Code Ann. r. 65C-20.010(1)(p)

⁵ Nutrition E11—Fla. Admin. Code Ann. r. 65C-22.008(3)(k)(3)

⁶ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>

⁷ Nutrition C6—Fla. Admin. Code Ann. r. 65C-22.005(1)(a)

⁸ Nutrition D6—Fla. Admin. Code Ann. r. 65C-20.010(1)(t)

⁹ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>

¹⁰ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>

¹¹ Nutrition E6—Fla. Admin. Code Ann. r. 65C-22.008(3)(p)(1)

¹² Nutrition C6—Fla. Admin. Code Ann. r. 65C-22.005(1)(a)

¹³ Nutrition D6—Fla. Admin. Code Ann. r. 65C-20.010(1)(t)

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- ¹⁴ Nutrition E6—Fla. Admin. Code Ann. r. 65C-22.008(3)(p)(1)
- ¹⁵ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>
- ¹⁶ Nutrition C6—Fla. Admin. Code Ann. r. 65C-22.005(1)(a)
- ¹⁷ Nutrition D6—Fla. Admin. Code Ann. r. 65C-20.010(1)(t)
- ¹⁸ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>
- ¹⁹ Nutrition D6—Fla. Admin. Code Ann. r. 65C-20.010(1)(t)
- ²⁰ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>
- ²¹ Nutrition E6—Fla. Admin. Code Ann. r. 65C-22.008(3)(p)(1)
- ²² Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>
- ²³ Nutrition C6—Fla. Admin. Code Ann. r. 65C-22.005(1)(a)
- ²⁴ Nutrition D6—Fla. Admin. Code Ann. r. 65C-20.010(1)(t)
- ²⁵ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>
- ²⁶ Information about MyPlate can be downloaded here: <https://www.flrules.org/Gateway/reference.asp?No=Ref-03036>
- ²⁷ Nutrition E6—Fla. Admin. Code Ann. r. 65C-22.008(3)(p)(1)
- ²⁸ Space & Equip-Phy Activity C14—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(4)
- ²⁹ Space & Equip-Phy Activity C19—Fla. Admin. Code Ann. r. 65C-22.001(8)(c)
- ³⁰ Space & Equip-Phy Activity D14—Fla. Admin. Code Ann. r. 65C-20.013(9)(a)(2)
- ³¹ Space & Equip-Phy Activity E19—Fla. Admin. Code Ann. r. 65C-22.008(2)(n)(4)
- ³² Space & Equip-Phy Activity C14—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(4)
- ³³ Space & Equip-Phy Activity D14—Fla. Admin. Code Ann. r. 65C-20.013(9)(a)(2)
- ³⁴ Space & Equip-Phy Activity C14—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(4)
- ³⁵ Space & Equip-Phy Activity D14—Fla. Admin. Code Ann. r. 65C-20.013(9)(a)(2)
- ³⁶ Space & Equip-Phy Activity E16—Fla. Admin. Code Ann. r. 65C-22.008(2)(t)(II)
- ³⁷ Space & Equip-Phy Activity C15—Fla. Admin. Code Ann. r. 65C-22.002(1)(d)
- ³⁸ Space & Equip-Phy Activity C15—Fla. Admin. Code Ann. r. 65C-22.002(1)(d)
- ³⁹ Space & Equip-Phy Activity C17—Fla. Admin. Code Ann. r. 65C-22.002(4)(h)
- ⁴⁰ Space & Equip-Phy Activity D17—Fla. Admin. Code Ann. r. 65C-20.010(1)(f); D18—Fla. Admin. Code Ann. r. 65C-20.013(1)(b)
- ⁴¹ Space & Equip-Phy Activity C15—Fla. Admin. Code Ann. r. 65C-22.002(1)(d)
- ⁴² Screen Time C7—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(2)
- ⁴³ Screen Time E7—Fla. Admin. Code Ann. r. 65C-22.001(2)(t)(I)
- ⁴⁴ Screen Time C7—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(2)
- ⁴⁵ Screen Time C7—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(2)
- ⁴⁶ Screen Time C6—Fla. Admin. Code Ann. r. 65C-22.001(7)(a)(3)
- ⁴⁷ Screen Time E7—Fla. Admin. Code Ann. r. 65C-22.001(2)(t)(I)
- ⁴⁸ Screen Time E7—Fla. Admin. Code Ann. r. 65C-22.001(2)(t)(I)