

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
Sitting as the Child Care Facilities Board

AGENDA ITEM SUMMARY

Meeting Date: October 17, 2006 ☐ Consent ☒ Regular
☐ Ordinance ☐ Public Hearing

Department:
Submitted By: County Administration

Submitted For: Child Care Facilities Board

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction: on pursuing legislation to amend Chapter 59-1698, as amended by Chapter 77-620, Special Act, Laws of Florida, to increase the number of children that can be cared for in permitted Family Day Care Facilities.

Summary: On March 14, 2006, the BCC directed staff to evaluate a request from a family day care provider and representative of the Palm Beach County Family Child Care Home Association, to amend County rules or Special Act provisions which limit family child day care providers to caring for five children in their home at any given time. The individual requested that the County allow additional children to be cared for in family day care homes at limits established in State law. Palm Beach County regulations are more stringent than State law, which allows a maximum of 10 children with one family child care provider if no more than five are preschool age (birth – 5 yrs.) and, of those five, no more than two are under 12 months of age. In response to the BCC directive, County Administration requested that the Palm Beach County Health Department review the request and seek a recommendation from the Child Care Advisory Council. The Child Care Advisory Council considered this item at their July 12, 2006, meeting and agreed to support a change to the Special Act to include large family day care homes with up to 10 children provided that the staff to child ratio of one to five is maintained. The Health Department and the Children's Services Council would support an increase in the number of children allowed in family day care homes; however, they are opposed to any change in the one to five staff to child ratio. The Palm Beach County League of Cities, through its Board of Directors, has also considered this issue and is opposed to increasing the allowable number of children in a family day care home. The County Attorney's office has determined that the Special Act would need to be amended by the Florida Legislature to accomplish the requested change. Countywide (GB)

Background and Policy Issues: (Continued on Page 3)

Attachments:

1. Special Act for Palm Beach County
2. State of Florida Adult to Child Ratios
3. Health Department Staff Report
4. Minutes from the Child Care Advisory Council Meeting (7/12/06)
5. Letter from Children's Services Council
6. Letter from State Representative Priscilla Taylor
7. Minutes from League of Cities Board of Directors Meeting (2/15/06)
8. Results of Health Department Survey of Municipal Zoning Restrictions
9. Background Article from Palm Beach Post (10/1/06)

Recommended by: N/A
Department Director

Approved by: [Signature]
Assistant County Administrator

Date
10-13-06
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures	\$ 0	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Depart _____ Unit _____
 Object _____ Program _____

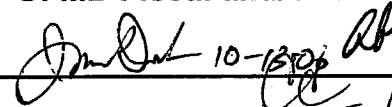
B. Recommended Sources of Funds/Summary of Fiscal Impact:

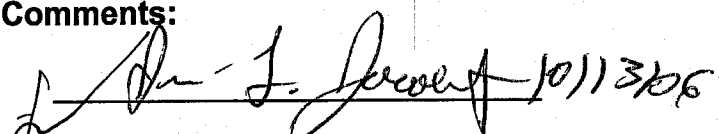
There is no fiscal impact from this item.

C. Departmental Fiscal Review:

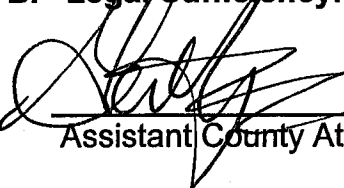
III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 10-13-06 Rbr 10/13/06
 OFMB 10/13/2006

 10/13/06
 Contract Dev. and Control

B. Legal Sufficiency:

 10/13/06
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

This summary is not to be used as a basis for payment.

Background & Policy Issues (Continued from Page 1): There are 326 permitted family day care facilities in Palm Beach County with a total capacity of 1630 children. The facilities, typically private homes, provide custodial care to one to five children for a fee or payment. Larger facilities known as child care facilities where care is rendered to six or more children, are also permitted by the County. There are 412 such facilities with a total capacity of 40,485 children. Permits are issued by the Palm Beach County Health Department for both types of facilities following review and recommendation of the Child Care Advisory Council. Information provided by the Health Department indicates that Palm Beach County and Pinellas County are the only counties in the State that limit the capacity of family day care homes to five children. Seven counties including Palm Beach County have the statutory authority through special acts or other means to promulgate local regulations for child day care that exceed State requirements. In addition to capacity limits, specific minimum health-related requirements are included in both State and County regulations.

Family day care providers have indicated that they are seeking the change to the Special Act to allow them to produce additional income needed to maintain profitability. The Palm Beach County Health Department and the Child Care Advisory Council have concluded that allowing one care giver to watch up to 10 children would not allow the supervision necessary to ensure the safety and well being of the children. The Health Department staff report notes that the current one staff to five child ratio in family day care lessens the potential of injury and harm to children. The Children's Services Council supports maintaining the one staff to five child ratio. The League of Cities Board of Directors, at its February 15, 2006, meeting, voted to oppose any attempt to increase the number of children permitted at family day care facilities beyond the current maximum number of five. The League Board concluded that 10 children, or 12 children as permitted by State law, would be too many children to be adequately cared for at any residential facility. They noted that allowing additional children to be cared for in a residence would effectively change the character of the residence from that of a "home-like" setting to that of an "institutional" or "educational" setting. Similar concerns have been raised by the County Planning Zoning & Building Department. An informal survey of municipalities conducted by the Health Department indicated that most cities have zoning restrictions placed on family child day care businesses limiting the number of children cared for to five, or not allowing them at all.

**CHAPTER 59-1698, SPECIAL ACTS, LAWS OF FLORIDA, AS AMENDED BY
CHAPTER 77-620, SPECIAL ACTS, LAWS OF FLORIDA**

Section 1. DEFINITIONS: The following words and phrases shall mean:

- a. Children: persons related to the operator of a facility regulated under this act under twelve (12) years of age, and all other persons under eighteen (18) years of age.
- b. Child Boarding Homes: Any building or shelter in which, for twenty-four (24) hours per day, custodial care is rendered to one to five children, inclusive, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit subject to the exemptions contained in Section 12 hereof.
- c. Family Day Care Facilities: Any building or shelter in which custodial care is rendered to one to five children, inclusive, for 2-24 hours per day and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, subject to the exemptions contained in Section 12.
- d. Child Care Facilities: Any building or shelter in which custodial care is rendered to six or more children, and which receives a payment, fee, or grant for any of the children, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, or which is held out to the public to be an establishment which regularly provides child custodial services.

Section 2. PERMIT REQUIRED FOR ESTABLISHMENT, MAINTENANCE AND OPERATION:

It shall be unlawful for any person, firm or corporation to establish, maintain or operate in **Palm Beach County, Florida**, a child care facility, child boarding home or family day care facility without first obtaining a permit therefor from a board, to be designated as the Child Care Facilities Board, and without permanently posting such permit in the child care facility, child boarding home, or family day care facility. Such Child Care Facilities shall be composed of the Board of County Commissioners of Palm Beach County, hereafter referred to as the Board. The Chairman of the Board of the County Commissioners of Palm Beach County shall be chairman of the Child Care Facilities Board and the Board shall meet at least once every three months at a time and place designated by the Board.

Section 3. APPLICATION FOR PERMIT: Application for a permit to operate a child care facility, child boarding home or family day care facility, shall be made to the Board in writing, and on a form, and under regulations prescribed by the Board. The application shall state the name and address of the applicant, his

occupational history and qualifications, the type and location of proposed operation, the number of persons to be accommodated, and such other information the Board may require.

Section 4. ISSUANCE OF LICENSE: The Director of the Palm Beach County Health Department shall be charged with the administrative and financial responsibility of carrying out the duties of the Board, and he or his representative shall inspect child care facilities, child boarding homes, and family day care facilities as required by the Board. Said Board when satisfied that minimum standards are met, shall issue a license in writing on a form prescribed by the Board. Such license shall be valid for a period of one year unless revoked. It shall not be transferable or assignable.

Section 5. REVOCATION: The Board may revoke a license if it finds that the operator has failed to comply with any provisions of this Act or any rule or regulation issued hereunder.

Section 6. MINIMUM STANDARDS, REASONABLE RULES AND REGULATIONS TO BE PRESCRIBED BY THE BOARD:

1. The Board shall make, promulgate, amend and repeal such rules and regulations as are necessary to protect the health and safety of persons in child care facilities, child boarding homes, or family day care facilities; prescribing standards for living quarters, including provisions pertaining to sanitary conditions, light, air, safety, protection from fire hazards, equipment, operation, qualifications and number of staff, and such other matters as may be appropriate to protect the life and health of the occupants thereof. Standards established by rules and regulations of the Board shall meet or exceed state minimum standards, to wit: standards established by the Department of Health and Rehabilitative Services pursuant to chapter 402, Florida Statutes.

2. The Board may make, promulgate, amend, and repeal such rules and regulations as are necessary:

- a. To require facilities regulated hereunder to secure liability insurance and set minimum limits and standards for carriers: and,
- b. To establish fees for inspection and licensing under this Act.

No such rules and regulations of the Board shall be adopted or become effective until after a public hearing has been held by the board pursuant to at least one notice published in a newspaper of general circulation in the county at least ten days prior to the hearing. When approved by the Board and filed with the Clerk of the County Commission, such rules and regulations shall have the force and effect of law. Until the Board adopts rules and regulations, the State standards aforementioned shall apply to all facilities regulated by this

act.

Section 7. CHILD CARE ADVISORY COUNCIL:

1. The Board shall appoint a Child Care Advisory Council which shall be appointed by the Board of County Commissioners no later than sixty (60) days after the effective date of this Act. Members of the Council shall serve at the pleasure of the Board of County Commissioners. The Council shall be composed of seven members consisting of the following:
 - a. Two members who represent and operate as a private enterprise a facility regulated hereunder.
 - b. One member who represents and operates a parochial facility regulated hereunder.
 - c. One member who represents a consumer protection enforcement official.
 - d. One member for fire protection, engineering, or technology.
 - e. One member who at the time of appointment was a parent of a child in a facility regulated hereunder.
 - f. One member who represents the Department of Health and Rehabilitative Services.
2. The Council shall advise the Board and make recommendations as to the issuance and revocation of license and as to rules and regulations necessary to protect the health and safety of persons in child care facilities, child boarding homes or family day care facilities.

Section 8. RIGHT OF ENTRY: Members of the Board and its representative may enter and inspect child care facilities, child boarding homes, or family day care facilities at reasonable hours, and may question such persons and investigate such facts, conditions, and practices or matters as may be necessary or appropriate to determine whether any person has violated any provisions of the Act, or of any rule or regulation issued hereunder.

Section 9. EXEMPTION: The provisions of this Act shall not apply to any public or nonpublic school which is in compliance with the compulsory school attendance law, chapter 232, Florida Statutes, any summer camp having children in full time residence, summer day camp, or vacation Bible school, or any foster home, home for mentally retarded or handicapped children, juvenile detention facility, hospital, or other similar institution otherwise regulated for health standards by a governmental agency. However, this section shall not be deemed to exempt institutions or facilities otherwise regulated by the Department of Health and Rehabilitative Services pursuant to s. 402.301, et seq., Florida Statutes, as it may from time to time be amended or transferred.

Section 10. CIVIL ENFORCEMENT: Any violation of this Act or the rules and regulations of the Board promulgated pursuant hereto shall be subject to enforcement by the Palm Beach County Environmental Control Officer and the Palm Beach County Environmental Control Act, chapter 70-862, Laws of Florida, as amended, and as it may in the future be amended or reenacted.

Section 11. CRIMINAL PENTALTY: Any person failing to comply with the provisions of this act is guilty of a misdemeanor of the second degree punishable as provided by general law.

Section 12. ADVERTISING BY FACILITIES: It shall be unlawful for any person, persons, associations, partnerships, corporations, or institutions to offer or advertise to the public in any way or by any medium whatsoever, child boarding home, family day care facility or child care facility service unless it has first secured a license under the provisions of this Act. All advertisements advertising any such services shall include the license number of the license issued pursuant to this Act.

Section 13. SEVERABILITY: If any provision of the Act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or invalid application and to this end the provisions of the Act are declared severable.

Section. 14. THIS ACT SHALL TAKE EFFECT UPON BECOMING A LAW.

BECAME A LAW WITHOUT THE GOVERNOR'S APPROVAL.

FILED IN OFFICE SECRETARY OF STATE.

AUG 28 2006

State of Florida Mandated 'Adult to Child' Ratios

Early Care and Education Center:

The following table outlines the minimum standards for the care of children in a licensed early care and education facility as established by rule of the department. When children two years of age and older are in care, the staff-to-children ratio shall be based on the age group with the largest number of children within the group.

Adult to Child Ratio	State Statue 402.305 (4)
1:4	1. For children from birth through 1 year of age, there must be one early care and education personnel for every four children.
1:6	2. for children 1 year of age or older, but under 2 years of age, there must be one early care and education personnel for every six children
1:11	3. For children 2 years of age or older, but under 3 years of age, there must be one early care and education personnel for every 11 children
1:15	4. For children 3 years of age or older, but under 4 years of age, there must be one early care and education personnel for every 15 children.
1:20	5. For children 4 years of age or older, but under 5 years of age, there must be one early care and education personnel for every 20 children.
1:25	6. For children 5 years of age or older, there must be one early care and education personnel for every 25 children

Family Child Care Home:

The following table outlines the different combinations that ONE family child care provider may care for at one time. A provider can meet only one category (a, b, c or d) at a time. However, he/she is not limited to one category on the registration/license and may change to a different category at various times throughout the day or week. *Also, providers own children are included in the count (0-12yrs)*

Infant 0-12 months	Preschool 13mos-5yrs	School-age 5yrs-12yrs	Total	State Statue 402.302 (7)
4	0	0	1:4	a) A maximum of four children from birth to 12 months of age
3	3	0	1:6	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
3	2	1		
3	1	2		
3	0	3		
2	4	0		
1	5	0		
0	6	0		
2	3	5	1:10	d) A maximum of 10 children if no more than five are preschool age and, of those five, not more than two are under 12 months of age
2	2	6		
2	1	7		
2	0	8		
1	4	5		
1	3	6		
1	2	7		
1	1	8		
1	0	9		
0	5	5		
0	4	6		
0	3	7		
0	2	8		
0	1	9		
0	0	10		

Large Family Child Care Home:

The following table outlines the different combinations that TWO family child care providers may care for at one time. This home can only meet one category (a or b) at a time. However, he/she is not limited to one category on the registration/license and may change to a different category at various times throughout the day or week. *Both of the providers own children are included in the count (0-12yrs).*

Infants/Toddlers 0-24 months old	24months – 12 Years old	Adult to Child Ratio	State Statue 402.302 (8)
8	0	2-8	a.) A maximum of 8 children from birth to 24 months of age
7	1	2-8	
6	2	2-8	
5	3	2-8	
4	8	2-12	b.) A maximum of 12 children, with no more than 4 children under 24 months of age
3	9	2-12	
2	10	2-12	
1	11	2-12	
0	12	2-12	



Jeb Bush
Governor

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

MEMORANDUM OF RECORD

DATE: July 11, 2006

TO: Dennis Moore, Chairman
Child Care Advisory Council

FROM: John O'Malley, Environmental Administrator *Dianne Strocker*
Palm Beach County Health Department

SUBJECT: Request from Family Day Care Association Representative Corrine Williams to the Board of County Commissioners

The request: On March 14, 2006, at a meeting of the Board of County Commissioners, Ms. Williams requested that the BCC modify or eliminate Special Acts, Chapter 59-1698, Laws of Florida, as amended, such that Family Day Care providers can be licensed to provide child care for more than 5 children in their home at any given time.

Background: The above-referenced Special Act was promulgated following several failed legislative attempts at creating statutory requirements to enable daycare regulation. Several counties took the initiative and successfully promulgated local laws to protect the health, safety and well-being of children in daycare in their communities. Ultimately, the state prevailed in creating daycare regulations on July 2, 1975. Palm Beach County's local rule exceeded the state rule then, and continues to exceed it with more stringent requirements. By statute, the local rule must be at least as stringent as the state rule. There are currently 7 counties who continue to have the authority to license and regulate daycare providers: Palm Beach, Broward, Pinellas, Hillsborough, Brevard, Alachua and Sarasota. Palm Beach, Pinellas, Hillsborough, and Broward have significantly more stringent regulations than the state. Of these, Pinellas and Palm Beach continue to limit family daycare facilities to no more than 5 children, while the rest of the state allows for up to 10 children.

The Health Department has surveyed the local zoning officials to determine if there would be any restrictions regarding a Large Family Day Care (LFDC) or a family day care having more than 5 children in Palm Beach County. It was found that the majority of the municipalities that responded would not allow a LFDC or more than 5 children in a family day care business at this time. In some instances it would possibly be allowed if the facility requested and received a variance.



Post Office Box 29 / 901 Evernia Street, West Palm Beach, FL 33401
Jean M. Malecki, MD, MPH, FACPM, Director

The intent behind family day care is to provide care in a setting that parallels the home environment, while providing that level of supervision that most appropriately ensures the health, safety and well-being of children in care. The current one staff to five (5) children ratio in family day cares lessens the potential of injury and harm, such as the spread of communicable diseases, since the caregivers are better able to supervise the children. Obviously, one care giver watching 10 children at any given time is far more difficult and would not allow the level of supervision we believe necessary to ensure the safety and well being of the children. Even with the 1 to 5 ratio, there have been violations related to lack of supervision.

Thus, based on this information, it is recommended there be no change to the child ratios for Family Day Care in the Special Act. However, in keeping with our supervision concerns, we would support a change to the Special Act to incorporate Large Family Day Care with two (2) staff members, if local zoning ordinances can be changed to accommodate this type of Family Day Care Facility.

Corbett and White, P.A.

ATTORNEYS AT LAW
309 LAKE AVENUE

Lake Worth, Florida 33460

JOHN CORBETT
TRELA J. WHITE
BRADLEY W. BIGGS*
KEITH W. DAVIS*
R. MAX LOHMAN**

TELEPHONE (561) 586-7116
TELECOPIER (561) 586-9611

* State Certified County and
Circuit Court Mediator
** Certified County Court Mediator

MEMORANDUM

TO: Jamie Titcomb, Executive Director; Susan Haynie, President; Board of Directors,
Palm Beach County League of Cities, Inc. (the "League"); and
Claudette Rifenberg, R.E.H.P.

FROM: Trela J. White, Esq.

DATE: February 17, 2006

RE: Proposed "Rules and Regulations" Pertaining to Countywide licensing of "Limited
Child Care Home" Facilities

With regard to the proposed Palm Beach County "Rules and Regulations Governing Limited Child Care Home Facilities" (the "Proposed Rules") which have apparently been totally revised since the entire ordinance is presently in underline form, I offer the following:

1. The Proposed Rules have been provided to the League concerning the licensing and regulation of "Family Day Care Facilities" and "Limited Child Care Home Facilities" as such facilities are defined in the Proposed Rules. Additionally, the Proposed Rules have been made applicable in both the unincorporated and incorporated areas of Palm Beach County.
2. It should initially be noted that the authority for the enactment of the Proposed Rules is cited under two special acts related to child care centers in Palm Beach County. The first one is set forth at Chapter 59-1698, *Laws of Florida*, which special act was later amended by Chapter 77-620, *Laws of Florida*. The later special act has declared that ... "[I]t shall be unlawful for any person, firm or corporation to establish, maintain or operate in **Palm Beach County, Florida**, a child care facility, child boarding home or **family day care facility** without **first obtaining a permit** therefore from a board, to be designated as the Child Care Facilities Board... Such Child Care Facilities Board shall be composed of the Board of County Commissioners of Palm Beach County...." (emphasis added)
3. Most of the same child care provisions addressed in Proposed Rules are also addressed in the state law at Chapter 402, Health and Human Services: Miscellaneous Provisions. Definitions are set forth at Sec.402.302, *Florida Statutes*. The Florida Administrative Code ("F.A.C.") implements portions of this statute at Chapter 65C-20. However, Chapter 77-620

amendments to the Special Act specifically permit the Child Care Facilities Board to "...promulgate...such rules and regulations as are necessary to protect the health and safety of persons in child care facilities, child boarding homes or family day care facilities [providing that] the rules and regulations of the Board shall meet or exceed state minimum standards...pursuant to Chapter 402, Florida Statutes." The current maximum number of children allowed in "Family Day Care Facilities" pursuant to Sec. 1. of the amended Special Act is limited to five (5) children.

4. The County is proposing to amend its current rules in order to allow a new type of child care facility to be known as a "Limited Child Care Home" which would allow up to ten (10) children to be cared for in a residential home.

5. The League of Cities' Board of Directors (the "Board") considered the presentation made by Ms. Rifenberg at the February 15, 2006 meeting regarding the Proposed Rules. The Board reached a consensus that any attempt to legislatively increase the permissible number of children cared for within a "Family day care facility" or any other similar institution beyond the maximum number of five (5) children currently permitted by the 1977 amendment to the Special Act would not be supported by the Board. It was generally agreed that ten children, under the Proposed Rules, or twelve children, as permitted under state law, would be too many children to be adequately cared for at any residential facility. It was noted that caring for this many children at a residence would effectively change the character of the residence from that of a "home-like" setting to that of an "institutional" or "educational" setting.

6. The Board did indicate support for enhanced regulations regarding the Family day care facility which is currently permitted in the County. The Board expressed concern that such facilities be properly monitored and inspected to ensure that the children were receiving the best child care available in a home-like setting.

7. Should the County proceed with the review and implementation of the Proposed Rules to allow for other types of "child care facilities" which exceed a maximum number of five (5) children, the League's Board will review the final ordinance presented and forward same to the general membership for action in accordance with the County/League policy regarding countywide ordinances. Additionally, the following citations represent possible inaccuracies, apparent citation errors or suggested revisions necessary to provide for internal consistency or more clarity within the Proposed Rules:

- a. Article III. Definition 25. Change "F.S. 65C-20" to "Chapter 65C-20, F.A.C.";
- b. Article IV. at Sec.B. may be clarified by adding reference to "Appendix D" of the County Code in this section as noted: "...Child Care Advisory Council shall be as set forth in Appendix D concerning the Palm Beach County Rules and Regulations Governing Child Care Facilities, Article IV (A)(2), as amended or replaced." (there is both an Article IV in Appendix D of the County Code and also in the Proposed Rules);
- c. Article IV. of the Proposed Rules at sub-section D. Licensed Capacity. provides that a Limited Child Care Home Facility may care for either of the following groups:
"... (a) A maximum of eight (8) children from birth to **twelve (24)** months of age... (numbers do not match)

- d. Article V at Sec.A2. Reference to "Article VII (M)(1) herein" refers to a section that does not appear to exist;
- e. Article V at Sec.B. Reference to "Article XXI herein" refers to a section that does not appear to exist;
- f. Article VII at Sec.D2. Inaccurate reference to Sub-section 39.01(37) - Appears to attempt a reference to sub-section "39.01(45)" of the state statute which does defines "neglect";
- g.. Article VII at Sec. D3g. Reference to §§ 741.30 F.S. should not use the plural symbols for "sections" and "Domestic Violence" is defined at Sec.741.28, *Florida Statutes*;
- h. Article VII at Sec. E3. "Child Abuse" is defined at Chapter 39, *Florida Statutes*;
- i. Article VIII at Sec.C11(b). Chapter 553, *Florida Statutes*, sets forth the "Florida Building Code", not the "Florida Uniform Building Code";
- j. Article VIII at Sec. J1. I could not locate rule "69A-36.012" but did locate Rule 69A-36.100, F.A.C. , regarding Non-residential Fire Code for Childcare Facilities. Is this the F.A.C. rule intended here?; and
- k. Article XIV. at Secs.G-H. The referenced regulations regarding smoking in vehicles transporting children could not be located in Chapter 386, *Florida Statutes*. Please provide specific reference to Chapter section which regulates this issue in Chapter 386. In addition, Sec. H. still has a note to drafter in it and should be finalized in some fashion in the final draft to the municipalities .

If further information or review is desired, please do not hesitate to contact this office.

H:\docs\PBC League of Cities\Letters & Memos\CountywideOrd-LargeChildCareHomeRegs-Memo-05.doc

CHILD CARE ADVISORY COUNCIL MEETING
WEST PALM BEACH, FLORIDA
JULY 12, 2006
MINUTES OF MEETING

CCAC	STAFF
------	-------

PRESENT: Dennis Moore
Jerry Catoe
Lorraine Herdeen
Amelia Lee
Eunice Twiggs

Dianne Strock, PBCHD
Claudette Rifenberg, PBCHD
Barbara Hoggard, PBCHD
Charlie Reese, PBCHD
Kathy Sutton, PBCHD
Nehemie Noel, PBCHD
Lizabeth Rodriguez, PBCHD
Nicholas Pospishil, PBCHD
Tim O' Connor, PBCHD
Barbara Sullivan, PBCHD

Gentry Benjamin, Asst. County Atty.

ABSENT: Louise Mancini
MJ Steele

The meeting was called to order with the Pledge of Allegiance and Roll Call.

INTRODUCTION OF GUESTS:

Melinda Cato, Family Central, Inc.
James E. Bentley, Bible Way Baptist
Mohammad Hamidani, Garden of the Sahaba Academy
Marietta Moreno, Dept. of Children & Families
Regina Hands, Bible Way Baptist
G. Bryant, Bluebird Nursery
Be-Be Gainer, Family Central, Inc.
Martina Nicholson Wimberly, Family Childcare
Ruth Jones, Family Childcare
Roger Gilroy, Country Day of Jupiter
Mary Jeanne Sudell, Country Day of Jupiter
Arlene Williams, Early Learning Coalition PBC
Corine Williams, Family Childcare
Cora Donaldson, Family Childcare
Sharon Mack, Noah's Ark Childcare
Edna Pertilla, Pertilla Family Childcare
Mary Morris, Family Childcare

Lucille Sweeting, Sweeting Family Childcare
Kalivia King, Family Childcare
Cynthia Bedford, Family Childcare
Mary Dean, Family Childcare
Vandolyn Wright
Dianne Rhodes
Karen Wilks
Bernell Wilks
Lennie Cannon, Family Childcare
Deidre Grant, Family Childcare
Kimberly Hubbard, Family Childcare
Ramona Fobbs, Family Childcare
Eddie Mills, Family Childcare

APPROVAL OF MINUTES:

Council approved the minutes of June 14, 2006

ADDITIONS/DELETIONS:

None

REVIEW OF FAMILY DAY CARE PERMITS:

Council reviewed Family Day Care permits for the month of June.

REVIEW OF CLOSED/OUT OF BUSINESS:

Council reviewed all facilities closed/out of business during the month of June.

REVIEW OF COMPLAINTS INVESTIGATED:

Council reviewed all complaints investigated in the month of June.

REVIEW OF LEGAL ACTIONS:

Council reviewed all legal actions.

APPLICATIONS:

New World Education, Inc. d/b/a Summit Private School of Boca Raton. Change of Ownership. Total requested capacity 246. Motion for approval was carried contingent that the Insurance Certificate has a policy number and the DBA name is corrected to reflect Summit Private School of Boca Raton within 5 days. Additionally, removal of the electric stove and a copy of the warranty deed and recorded deed within 5 days.

Bryant & Lewis, Inc. d/b/a Bluebird Nursery. Change of Ownership. Total requested capacity 74 with 24 infants. Motion for approval was carried.

Islamic Center of Boca Raton, Inc. d/b/a Garden of the Sahaba Academy. Change of Use/Increase of Capacity. Total requested capacity 46. Motion for approval was carried.

Torah Tots Academy, Inc. Change of Use. Total requested capacity 71 with 16 infants. Motion for approval was carried.

Genesis Community Outreach, Inc. New Facility. Total requested capacity 30. Motion for approval was carried contingent that Certificate of Worker's Comp is provided or a notarized affidavit attesting that facility doesn't need to carry it and Certificate of Insurance showing Genesis Community Outreach is insured.

Ridge, LLC d/b/a Country Day of Jupiter. Total requested capacity 329 with 22 infants. Motion for approval was carried.

CONTINGENCIES:

All contingencies from the previous meeting were met.

Barbara Hoggard reported to Council regarding Happy Times, stating that Murl Casey and Amy Welch conducted an inspection and the children's files were not up to date, background screening had not been submitted and the staff that was present had no knowledge of the files.

Mr. Owens is very ill and has been hospitalized and his mother Mrs. Owens has voluntarily chosen to close the facility.

Council requested a 5 minute break. Meeting resumed back at 10:35.

OLD BUSINESS:

Dianne Strock informed Council of the Department's recommendations regarding the ratio change in Family Day Care.

The Health Department had surveyed the local zoning officials to determine if there would be any restrictions regarding a Large Family Day Care (LFDC) or a family day care having more than 5 children in Palm Beach County. It was found that the majority of the municipalities that responded would not allow a LFDC or more than 5 children in a family day care business at this time.

The Department supports the current one staff to five (5) children ratio in family day care as it lessens the potential of injury or harm, such as the spread of communicable diseases, since the caregivers are better able to supervise the children.

The Department recommended there be no change to the child ratios for Family Day Care in the Special Act. In keeping with Palm Beach County Health

Department's supervision concerns, the Palm Beach County Health Department would support a change to the Special Act to incorporate Large Family Day Care with two (2) staff members.

The County League of Cities Board responded to the Department by letter stating the board reached a consensus that any attempt to legislatively increase the permissible number of children cared for within a "Family day care facility" or any other similar institution beyond the maximum number of five (5) children currently permitted by the 1977 amendment to the Special Act would not be supported by the Board.

Council members were given a copy of the department's recommendation and a copy of the response from the County League of Cities Board, as well as the Department of Children and Families requirements of a Licensed Family Day Care Home and Large Family Child Care Home regarding the number of children that could be in care at any one time.

Council motioned to accept the recommendations of the Health Department to maintain the ratio of 1-5 and would support the Special Acts be amended to include Large Family Day Care Centers but in that amendment to still maintain the ratio of 1-5.

PUBLIC COMMENTS:

There were a number of Family day care providers who commented on the changes to the Family day care ratio. Majority of providers yielded their comments to Ms. Corine Williams who addressed the Council members with the Family Day Care providers concerns. The main concern expressed was related to the economic hardship of having only five children.

Council took a 5-minute break. The meeting convened back at 11:55 am to review the Family day care rule revision.

RULES REVIEW:

The following changes were made:

- Page 3 (line 11-13) clarification of what's included in a Family day care facility.
- Page 4 (#18) - Health Resource Professional added to definitions
- Page 6 (#32) - Expanded meaning of substitute.
- Page 10 (p-r) - adapted from the Child Care rules.
- Page 12 (line 26-30)- deleted
- Page 16 (#B) - adapted from the Child Care rules.
- Page 21 (#6) - Mandatory Immunization training completed by June 30, 2008.

- Page 24 (D- line 13-15) Supervision of Children. Added
- Page 24 (line 35)- Incorporated from the State Rules
- Page 25 (#4-8)- modified
- Page 30 (#3)- incorporated from the State Rules
- Page 31 (G &F) - incorporated from Pinellas County rules.
- Page 31 (#E- line 27-32) clarified language

Article VIII- Physical Facility

A. General

- Page 33 (Line 7-11)
- Page 33 (#2)- Inserted the word direct
- Page 33 (#3) - Clarification of electrical cord- incorporated from Child Care rules.
- Page 33-34 (#5) - Modified language regarding household pets.
- Page 34 (#6 Line 20-24) Incorporated from Child Care rules.
- Page 35 (Line 13-16) Modified language.
- Page 36 (#17 Lines 24-25) Modified language to include cell phone (s)

B. Indoor Space

- Page 38 (Line 9-11) Incorporated from State rules
- Page 39 (#4) Incorporated from State rules and Safety Codes.
- Page 40 (#D Line 31-36) Incorporated from Child Care rules.
- Page 44 (#7 Line 35-44) Incorporated from Palm Beach County Fire Marshals, waiting for responses from Fire Marshals in Municipalities.
- Page 46 (#C-Medication) Language added.

Gentry had a questioned as to who should determine whether an animal is large and potentially dangerous.

It was determined that the Animal Care & Control would be the ones to make that decision.

PUBLIC COMMENTS:

There were public comments by Martina Nicholson-Wimberly, and Cynthia Bedford regarding the night time care, and the 12-hour time frame.

Claudette explained that a provider couldn't provide care continuously for children 12 hours a day or per 24 hour period without a break which is in the Proposed Family Day Care Rules and Regulations changes. And she also explained that all nighttime care requests have to be in writing and submitted to the department so that another inspection could be conducted and that the nighttime application only is brought before the board for approval. If the provider wishes to make any changes to their hours of operation they may submit a change to the supervisor which doesn't need to be approved by the board.

Ms. Wimberly also commented on having purchased a double decker crib and in the Family day care rules it doesn't prohibit them from having one. Ms. Diana Rhodes has purchased one as well.

Claudette explained that the double decker crib is prohibited in the Child Care facilities, which is in the Child Care rules. She explained the concerns the department has with the security of the crib and the ability to supervise the child.

Council commented on whether the two (2) providers who purchased these particular cribs could be grand fathered in and be required to do away with the cribs within two (2) years as they are prohibited in the Proposed Family Day Care Rules and Regulations.

Ms. Corine Williams commented on the indoor space and what is determined as usable space.

Claudette informed Ms. Williams that the square footage is based upon usable space, which doesn't include kitchens, offices, laundry rooms, etc.

Council motioned for approval of the changes to the Family day care rules and regulations to be recommended to the Board of County Commissioners with a provisional letter from the Child Care Advisory Council language of the double decker crib and grand fathering those providers who currently own one.

If the Board of County Commissioners has any recommendations they will forward their concerns to the Department.

There being no other business the meeting adjourned at 1:25 pm.

LaShawn W. Brown
CCAC Secretary



August 29, 2006

Mr. Jon Van Arnam
Assistant County Administrator
Palm Beach County
301 N. Olive Avenue, Suite 1102,
P.O. Box 1989
West Palm Beach, FL 33402-1989

Healthy Beginnings
Early Care and Education
After-School Programs
Family Support
Mentor Center
Parenting Center

Dear Mr. Van Arnam:

We are aware that the County is considering amending the special act that deals with child care licensing for family child care. We would support the recommendation of the Child Care Advisory Council to maintain the current limit of 5 children to one caretaker. In addition, because the Council's recommendation to allow for large family child care for up to 10 children with 2 caregivers would be setting a standard higher than allowed by State law (which is 12), we would support the direction of allowing large family child care with a careful look at additions higher than the state threshold requirements. In addition, as is currently a factor, the age of the children should be a consideration in determining the number of children permitted per caregiver. Our County has generally developed higher standards than the State for child care licensing. We would support that direction in developing large family care provider rules.

Family care providers are a unique part of the system of care and provide an excellent alternative to families. However those who would be capable of serving this many children would have to be a qualified subset. The caregiver ratio, space requirements and other environmental factors would have to be monitored. For instance, what would happen if the second caregiver is sick?

We support the County in a thoughtful process to look at the appropriate parameters for large family child care. Since Palm Beach County is the only county which does not permit large family care homes, we are assuming the County will be able to examine the experience of Miami-Dade, Broward, and other counties throughout the state to determine if the implementation has been problematic or if they would advise from lessons learned.

Thank you for the opportunity to comment on this issue. Please contact me if I can be of further assistance.

Sincerely,

Tana Ebbole
Chief Executive Officer

Attachment 5



9007 8 2 9007

Florida House of Representatives
Representative Priscilla Taylor
District 84
August 24th, 2006

Capitol Office:
1402 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

District Office:
Suite 410
1 East 11th Street
Riviera Beach, FL 33404

Palm Beach County
Board of County Commissioners
12th Floor Governmental Center
301 N. Olive
West Palm Beach, FL 33401

Dear Commissioners:

The "Palm Beach Child Care Association" has been active in Palm Beach County for over 16 years and has afforded many families the opportunity to child care in neighborhoods where they live.

This is a letter of support for the Palm Beach Child Care Association (PBCCA) along with Family Child Care Providers. I support changing the present regulation so as to give family child care facilities the opportunity to care for up to ten children during one shift. Approving this regulation change will enable members of the named organizations to attain their goal of providing quality child care and job creation in neighborhoods. Also, please know it is without doubt that this organization has the potential to discover and nurture the development of young talent.

Thank you for your consideration of "Palm Beach Child Care Association's" request to modify Palm Beach County's 1959 Special Act.

Sincerely

Priscilla Taylor

Priscilla Taylor
Florida House of Representatives – District 84

**Palm Beach County League of Cities, Inc.
BOARD OF DIRECTORS MEETING
Wednesday, February 15, 2006 at 10:00 a.m.
Atlantis Golf Club – 301 Orange Tree Drive**

MINUTES

1. Call To Order, Roll Call, Welcomes, Introductions

President Susan Haynie called the meeting to order at 10:15 a.m.

Executive Director Jamie Titcomb introduced Legislative Delegation Executive Director Ed Chase.

Secretary/Treasurer Mo Thornton called the roll and a quorum was attained.

Board members present were: Susan Haynie, Carl McKoy, David Stewart, Mo Thornton, Charley O'Meilia, Ken Kaleel, Tony Smith, Wadie Atallah, Andrew Lukasik, David Harden, Mark Hull, and Lisa Tropepe. **Absent were:** Matty Mattioli, Joe Egly, Lizbeth Benacquisto, Ray Liberti, and Elizabeth Wade.

Also in attendance were past presidents Carmine Priore, Ken Schultz, and Richard Radcliffe.

2. Additions, Deletions, and/or Modifications to the Agenda

Mr. Titcomb added Item 7h: Report from IPARC Director Anna Yeskey on the Industrial Land Use Subcommittee.

3. Approval of Board Minutes: January 11, 2006

Motion by Ken Kaleel, second by David Stewart to approve the minutes of the January 11th Board meeting. Motion carried unanimously.

4. Financial Reports/Finance Committee

Executive Director Titcomb reported that he did not have the Financial Report, but will e-mail it to the Board members.

5. Scheduled Presentations

a. Youth Violence Prevention

Delray Beach Vice Mayor Jon Levinson sits on the Criminal Justice Commission's Committee on Youth Violence. He reported that the focus is on gun crime. The survey that was sent to the cities requesting information on youth programs will be distributed again. He encouraged everyone to respond. The data is being compiled for a proposal to go to the Board of County Commissioners.

Mr. Levinson took questions from the Board.

b. Proposed New Daycare Type

Claudette Rifenberg of the Palm Beach County Health Department oversees the childcare licensing program. She gave the history of childcare regulation and explained the proposed new daycare type.

Statewide, the number of children allowed in large family home daycares went from 10 to 12 in 1999. Palm Beach County kept more stringent rules allowing only 5 children. Providers are interested in the larger number and have asked the health department to look into the issue.

The County proposal would allow for 10 children. The provider must have an excellent record and have 750 square feet of outdoor play area, even if caring for infants. The providers would need zoning, fire department and building department approval from whoever has jurisdiction, before they would be licensed by the County. The County is looking for municipal feedback.

Ms. Rifenberg took questions from the Board.

If the proposal is not approved, the limit will remain at five children.

Motion by David Stewart, second by Mo Thornton to opposed the proposed ordinance.

There was discussion.

David Stewart amended his motion to recommend the proposed provider requirements apply to the five-child limit. Mo Thornton amended her second. Motion carried unanimously.

7. Miscellaneous Business

a. Florida League of Cities Legislative Action Days

Mr. Titcomb reported that the Legislative Action Day is March 29, and asked if the Board would like to piggyback on the event.

There was discussion.

By consensus of the Board, the League will not hire a bus for the event, but will develop a program and create interest for next year.

b. Proposed County Parking Ordinance

League attorney Trela White explained the County's proposed ordinance for parking and signage in the unincorporated County, and on property it owns or leases within municipalities.

There was discussion.

Motion by Lisa Tropepe, second by Mark Hull for Ms. White to seek clarification of the Ordinance.

There was discussion.

Motion by Ken Kaleel, second by Mark Hull that the League write a letter to County Administrator Bob Weisman objecting to any expansion of state statutes, and requesting proposed amendments include strike/underline to show what is being changed. Motion carried unanimously.

c. Proposed County Restaurant Ordinance

Ms. White explained that this Ordinance would require restaurants to include Health Department inspection results on their menus. The information is currently required to be available upon request.

There was discussion.

Motion by David Stewart, second by Lisa Tropepe that the League write a letter to County Administrator Bob Weisman stating that the state regulations are adequate, and this Ordinance would create undue hardship on restaurants. Motion carried unanimously.

d. Reappointment of Kurt Bressner to the Fire Rescue Level of Service Committee

Mr. Titcomb reported Mr. Bressner requested to be reappointed to the Committee.

Motion by Ken Kaleel, second by Mark Hull to reappoint Kurt Bressner to the Fire Rescue Level of Service Committee. Motion carried unanimously.

e. Appointments to the Advisory Boundary Committee

Mr. Titcomb reported that Nellie Titcomb requested to be reappointed to this school board committee.

Motion by David Stewart, second by Lisa Tropepe to reappoint Nellie Titcomb to the Advisory Boundary Committee. Motion carried unanimously.

Mr. Titcomb reported that Rosemary Mouring requested to be appointed to the committee.

Motion by David Stewart, second by Lisa Tropepe to reappoint Rosemary Mouring to the Advisory Boundary Committee. Motion carried unanimously.

By consensus of the Board, upon her ratification, a letter will be sent to Ms. Mouring reminding her that she can't miss more than two meetings.

Carmin Priore said he was concerned about neighborhood schools and busing.

Ms. Haynie asked that Palm Beach County School District Superintendent Dr. Art Johnson be invited to a Board of Directors meeting.

f. New Associate Member Application

Mr. Titcomb reported that Commerce Bank submitted an application for associate membership, and is sponsored by South Bay Mayor Clarence Anthony.

Motion by Ken Kaleel, second by Tony Smith to approve Commerce Bank for associate membership. Motion carried with Wadie Atallah dissenting.

g. Nominating Committee

Ms. Haynie reported that she is assembling the nominating committee and will announce its members at the General Membership meeting on February 22.

h. Industrial Land Use Subcommittee – Anna Yeskey, IPARC

Ms. Yeskey reported that a letter will be going to the League Board and the Board of County Commissioners with the scope of studies proposed for the industrial land use study. The letter was sent to city managers a month ago. The deadline for feedback on the scope is March 15, and will be discussed at the IPARC meeting on March 30. She would like to talk about the letter at the next League of Cities Board meeting on March 1st.

8. Committee Reports

a. Education - None

b. Environmental

Tony Smith asked that the committee look into the South Florida Water Management District's initiative to flood the western communities.

c. Gold Coast League

Ken Schultz reported that the Gold Coast League endorsed Carmine Priore for Second Vice President of the Florida League of Cities.

On April 6, the Gold Coast League and Vision Broward is sponsoring a reception in Broward County, followed on April 7th by a workshop to discuss common issues such as transportation. Mr. Schultz encouraged municipal participation.

d. Home Rule

Tony Smith reported that Rep. Priscilla Taylor sponsored the Everglades Stewardship Act, which would create a taxing district in the western communities, usurping home rule authority. Though Rep. Taylor is withdrawing her support, he believes it will still make its way through the legislature.

Ms. White reported that seven cities have been permitted to join the Fire Rescue dispatch lawsuit.

Wadie Atallah asked if anything was proceeding with regard to the Board's desire to utilize John Dailey for home rule issues.

Mr. Titcomb said that Mr. Dailey is available, but the League needs to submit a Request for Proposal for his services.

Carmine Priore suggested that the scope of services requested be very specific.

Ken Kaleel requested more strategy-related Board presentations.

Motion by Tony Smith, second by Ken Kaleel for the Home Rule Committee meet with Counsel to develop strategy on County issues. No action taken.

There was discussion on the home rule bill amendment going before the legislature.

- e. Legislative - None**
- f. Policy & Procedures - None**
- g. Programs - None**
- h. Scholarships - None**
- i. Special Events - None**
- j. Strategic Planning - None**
- k. Transportation**

David Harden reported that the County is getting ready to do the update on lane miles.

Mr. Titcomb reported that enough roadway interlocal agreements had been received, and were delivered to the County the day before.

9. Legal Report

Ms. White stated that though the Board may want to address bigger issues, she advised against foregoing reviews of County Ordinances.

There was discussion on the types of issues the Board should address.

Ms. White reported that the Board of County Commissioners is asking for a workshop with the League regarding billboards, as Cloud Lake is allowing one in their town.

10. Staff Report

Mr. Titcomb reported that a location is needed for the March 1st Board of Directors meeting. Mr. Stewart offered the Town of Lantana as host.

The February Treasure Coast Regional Planning Council meeting was canceled; the next meeting is scheduled for March 17.

The League received a thank you letter from the Committee to Incorporate Loxahatchee Groves, for the League's support in their efforts.

The City of Pahokee passed Resolutions opposing the proposed stewardship bill sponsored by Rep. Taylor, and the proposed Everglades Agricultural Area flooding process.

He has been asked to sit on an FDOT policy steering committee to investigate the possibility of passenger transport along the FEC corridor.

He received a letter from Mr. Harden regarding County Fire Rescue response times, which he will forward to the Board. Mr. Harden elaborated on his letter.

The Palm Beach County Days 2006 Joint Legislative Agenda was distributed to the Board.

As Carmela Starace is no longer an elected official, there are openings on the IPARC Executive Committee and the ½ cent sales tax committee.

As Joe Egly is leaving office, the Scholarship Committee is in need of a Chairman.

As Ms. White reported, the County Commissioners would like to hold a workshop with the League to address billboards.

11. District Reports - None

12. Member Comments

Mark Hull congratulated Ken Schultz on retaining the position of Mayor of Hypoluxo for another term. Mr. Schultz likewise congratulated Mr. Hull for retaining his Hypoluxo Council seat.

Mr. Schultz asked if the League will be getting involved in the County Commission races. He encouraged municipal people to run for those offices.

13. Meetings Announcement – *Announced*

14. Adjournment

The Board adjourned at 12:10 p.m.

Survey of Municipal Zoning Restrictions for
Family Day Care by Palm Beach County Health Department
October 2006

Municipality	Are there any zoning restrictions currently on providing in-home daycare business /family day care -- 5 children	If so, what are they?	Are there currently any zoning restrictions on having a family day care /in-home daycare business for more than 5 children	If so, what are they?
Atlantis	Not allowed		Not allowed	
Belle Glade	Up to 5 children		Yes -- that would not be family day care but it would be child care facility	Child Care facility is not allowed in a residential area -- probably would need a variance
Boca Raton				
	Up to 5 children		Not allowed	Code would have to be changed, potential impact would be assessed
Boynton Beach	Up to 5 children		At this time there isn't but if law changed then they would have to assess the potential impact on residential communities	
Briny Breezes	Not allowed	No businesses allowed	Not allowed	
Cloud Lake (mailbox full)				
Delray Beach	Up to 5 children		Accessory uses in residence limited to 5 children therefore > 5 would be a conditional use to be individually approved -- Initial application process costs \$1000	Special exception/variance required
Glen Ridge Called & left message - no response received yet				
Golf	Needs special exception to exist			
Greenacres	Up to 5		Limited to 5 in the home. Must be transparent to the community & not create additional impact	If new daycare type created may need to amend zoning or be more restrictive after reviewing potential impact
Gulf Stream	Not allowed			
Haverhill	Up to 5		Possibly need special exception	
Highland Beach	Not allowed			
Hypoluxo	None exist currently		Would create restrictions as this would be too much for a residential area	This would be a commercial business -- traffic concerns would impact the community
Juno Beach	Up to 5		Would possibly treat it as a group home	
Jupiter	Up to 5		Daycare is a special exception	Will look at potential impact to residential community -- will need town council approval
Jupiter Inlet Colony called & left message - no response received yet				
Lake Clarke Shores	Not allowed		Not allowed	
Lake Park	Up to 5		Not allowed -- fire code would prevent it	
Lake Worth	Not allowed. If any operating, then not legal		Not allowed.	
Commercial day care centers are a special land use with certain restrictions				
Lantana	Up to 5		Not sure if there would be a problem	May need to review the potential impact on the residential community
Manalapan	Not no home based businesses allowed			
Mangonia Park	Up to 5		Child Care facility not permitted in residential area	
North Palm Beach	4 or less currently		Would use NFPA and Life Safety Code as a guide -- have been tending to follow the County	Would need to change language to meet the County
Ocean Ridge (will call back with info)				
Pahokee	Up to 5		Might be allowed subject to administrative review, but should be transparent to community -- no additional impact	
Palm Beach	Not allowed			
Palm Beach Gardens	Up to 5		Up to 5	
Palm Beach Shores	Daycare not specifically addressed in code			
Palm Springs Called & left message - no response received yet				
Riviera Beach	Up to 5. There is already an abundance of these in the community -- on just about every other street		If designated as child care then special exception needed. They would be considered child care, and nothing would distinguish them from CCC, and that's really not appropriate for a single family residence	CCC allowed by special exception. This new type of home daycare would require new zoning language, additional regulation. Anticipated that there would be an explosion of these if allowed, given the demographic of the community -- not desirable
Royal Palm Beach***	Allowed in res		Municipality interested in protecting both the people's right to do business and the people's right to quiet/peaceful enjoyment of the residential community. Potential for hood that is assessed.	Would probably have to look at restrictions

Survey of Municipal Zoning Restrictions for
Family Day Care by Palm Beach County Health Department
October 2006

Municipality	Are there any zoning restrictions currently on providing in-home daycare business /family day care – 5 children	If so, what are they?	Are there currently any zoning restrictions on having a family day care /in-home daycare business for more than 5 children	If so, what are they?
South Bay	No language limiting		No language limiting	Concern that this would be commercial, greater than single family home and community could bear – parking and traffic would concerns; anticipate complaints from residents
South Palm Beach	None exist; only may have one group home for the disabled may exist		Would be inappropriate for the community – this would be commercial and no commercial zoning allowed at all in the community	Community residents would be very upset
Tequesta	UP to 5		Up to 5. More than 5 is a daycare/nursery	Variance would be required – an expensive process; additional building/fire/zoning requirements
Wellington	Up to 5		Up to 5	
West Palm Beach				
Called & left messages - no response received yet				
*** NOTE : the representative from the Village of Royal Palm Beach asked to be kept apprised of any public hearings on the issue, and also asked whether the League of Cities would be kept apprised of this as well.				

PalmBeachPost.com

 **PRINT THIS**

Children are caregiver's business

By Sonja Isger

Palm Beach Post Staff Writer

Sunday, October 01, 2006

RIVIERA BEACH — The first knock on Corine Williams' door comes before 8 a.m. By 9 a.m., her house is full. For the next nine hours Williams will watch two 3-year-olds, a 16-month-old and an 8-month-old. She will do it all again tomorrow... and the next day and the next.

Five days a week.

More local news

Latest breaking news, photos and all of today's *Post* stories.

State news

Storm 2006: Hurricane news

Sound off in the forum

Columnists

Crime, live scanners

Photos | Special reports

Weather | Traffic | Obituaries

fruity Cheerios and marching a line of toddlers to the restroom.

Williams would take more than five children if she could. But Palm Beach County's laws stand in her way. The county is one of seven in the state that license in-home child care and one of two that limit the number of children in those homes to five. The state permits up to 10 of varying ages.

Williams, also the president of the local family child-care providers association, has spent the last year trying to lift the county's restrictions. Her case goes before county commissioners in October.

As many as 1,660 children are cared for in the 332 licensed family care homes in Palm Beach County. That number could double should the rules change.

Williams says it's a matter of economics. Family care providers can't hike their prices much more, so the only way to make more money to cover growing electric and insurance bills is to care for more children.

At 57, Williams is a grandmother, but these are not her grandchildren. They're her business. And she has room for one more. She charges up to \$140 a week.

It's that spare spot that has her nervous.

"I've been out a child for a month now. That's hard. That's \$500 out of my pocket," Williams said between prepping plates of



Cathy McCoy, president of the statewide Florida Family Child Care Home Association, notes that under state law, in those homes that can care for up to 10 children, half those children must be school age and, therefore, are not in the home all day except on holidays.

"All I can say is for ages of time, providers have been able to manage this type of child care," McCoy said. "It's safe and governed by state regulation."

But Palm Beach County child care advocates have long prided themselves on setting a higher bar than the state when it comes to children.

"Imagine 10 children with one adult," said Tana Ebbale, executive director of Palm Beach County's Children's Services Council. "There'd be feeding problems, diapering problems. Even if they're not all toddlers, you still have 10 children running around that you've got to keep track of."

The council has recommended that if the county does permit more children in the home, it require more adults as well, keeping a ratio of one adult per five children — 10 children max. The county's child-care advisory board and health department staff have made the same recommendation.

Some providers say this is a welcome solution. Williams, however, is not satisfied. Like many in-home providers, she charges between \$130 and \$145 per week per child. Paying another employee cuts into any gains more children would bring.

With just four children to watch, Williams can make it look easy. Her kitchen counter is lined with paperwork that could come from any child care: Sign-in sheet, a daily note home for each child, a log of activities for the day — Aiyanna and LeDiajah, the 3-year-olds, will be tearing and gluing.

A schedule hangs on the wall. Williams has the day mapped out to the half-hour from breakfast to outdoor play, washing hands to book time.

When Aiyanna needs a potty break, all the children line up behind Williams and march down the hall. While Williams attends Aiyanna with an open door and 8-month-old on hip, the others sit on a miniature foam Dora-the-Explorer couch in the hall facing the open door.

Williams, who never completed college, went to school to earn a variety of child-care credentials. She has a mentor who teaches her to manage the children and plan activities appropriate for their ages. The mentor comes via a countywide grant.

But all of this is well beyond what is required by law.

Can Williams handle more children? "What do you think?" she asks, certain she's proven she's up to the task.

Not everyone is.

Since January, 18 child-care homes have been fined or have been put under investigation for valid complaints. One provider, operating in evening hours, fell asleep. Her 3-year-old charge was found wondering the streets of Riviera Beach at 11 p.m., crying in his Scooby-Doo sneakers. The boy had recently learned how to unlock doors.

By comparison, fines were levied against nearly 30 commercial child-care centers. In this county they

outnumber in-home centers 414 to 332, but house hundreds more children.

Commercial centers are permitted to have lower adult-to-child ratio, Williams notes. But they also have more adults, including a floating substitute in the building, counters Diane Strock who monitors child care for the health department.

When Roanne Moreno's son was a pre-schooler, she sought out a home-based child care.

"I was looking for that quality of having a single care-giver — my child relating to one person who knew him well," said Moreno, who now runs a program at Palm Beach Community College that provides training and technical assistance to family child care providers.

Speaking not for the center but as someone familiar with family care, Moreno says changes to the number of children in a home would concern her.

"I think if they go to 10 kids, they've turned into a child-care center and then they need to follow those rules and regulations. When you go to 10, you lose the atmosphere that makes home child care special. You're also in danger of losing some of the quality."

Find this article at:

http://www.palmbeachpost.com/pbccentral/content/local_news/epaper/2006/10/01/s1c_FamilyCare_1001.html

☐ Check the box to include the list of links referenced in the article.