

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

AGENDA ITEM SUMMARY

Meeting Date: October 7, 2008

Consent

Regular

Ordinance

Public Hearing

Department:

Submitted By: County Administration

Submitted For: Child Care Facilities Board

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to authorize:**

- A) The initiation of legislation to amend Chapter 59-1698, Special Acts, Laws of Florida as amended by Chapter 77-620, Special Act, Laws of Florida, to adjust Child Boarding Home, Family Day Care and Child Care facility requirements and authorize the permitting of Large Family Child Care facilities.
- B) The initiation of amendments to the Palm Beach County Rules and Regulations Governing Child Care Facilities upon passage of the legislation.

**Summary:** The Child Care Advisory Council and the Palm Beach County Health Department are recommending a number of changes to the Special Act applicable to the permitting of child care facilities. The proposed changes will:

- 1. Increase the maximum number of children allowed in Family Day Care homes from 5 to 6 provided that no more than 2 of the children are birth to 24 months of age.
- 2. Designate one of the private enterprise seats on the Child Care Advisory Council for a family day care provider.
- 3. Create a new permitting category for Large Family Child Care Facilities with a maximum capacity of 12 children and caregiver to child ratios of 1:4, 1:6 or 1:8 depending on the ages of children in care.

A detailed side-by-side comparison of current and proposed County regulations and Florida Department of Children & Families regulations is provided as Attachment 1. Tables showing current and proposed staff to child ratios are provided as Attachment 2. The proposed changes will provide greater consistency with State regulations and are endorsed by the Palm Beach County Family Child Care Association. The Special Act must be amended by the Florida Legislature to accomplish the changes. County Rules and Regulations Governing Child Care Facilities must also be amended to implement the proposed changes. Countywide (GB)

**Background and Policy Issues: (Continued on Page 3)**

**Attachments:**

- 1. Side-by-Side Regulation Comparison
- 2. Staff to Child Ratio Tables
- 3. Summary Memorandum from Health Department
- 4. Special Act for Palm Beach County

Recommended by: N/A  
Department Director

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Date

Approved by:   
Assistant County Administrator

9-26-08  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
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-
<b>NET FISCAL IMPACT</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget?</b>	Yes _____		No _____		
<b>Budget Account No.:</b>	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:**

Shwillhite 9.29.08

OFMB

*UP  
9-22-08*

Dr. J. Jacoby 9/29/08

Contract Dev. and Control  
*E. Jones 9/27/08*

**B. Legal Sufficiency:**

[Signature] 9/29/08

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 315 permitted family day care facilities in Palm Beach County with a total capacity of 1,575 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 409 such facilities with a total capacity of 40,698 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 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 caregiver 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 day care businesses limiting the number of children cared for to five, or not allowing them at all.

**Palm Beach County  
Proposed Rule Changes in Family Day Care Capacity and Personnel  
Side-By-Side Comparison**

Palm Beach County			State of Florida DCF
	Proposed	Current	
1.	<p><b><u>Ratios for 1 Operator*</u></b> Maximum of 4 infants birth – 24 months</p>	Maximum of 4 infants birth – 24 months.	Maximum of 4 infants birth – 12 months.
2.	No more than 2 children birth – 24 months in a maximum total of 6 children.	No more than 3 children birth -12 months in a maximum total of 5 children.	No more than 3 children birth – 12 months in a maximum total of 6 children
3.	Maximum of 6 preschoolers if all are older than 24 months.	Maximum of 5 preschoolers if all are older than 24 months.	Maximum of 6 preschooler if all are older then 12 months.
4.	Maximum of 6 children with no more than 2 under 24 months of age.	Maximum of 5 children with No more than 3 under 12 months of age.	Maximum of 10 children with : <ul style="list-style-type: none"> <li>○ a maximum of 5 preschoolers, and</li> <li>○ maximum of 2 under 12 months of age.</li> </ul>
5.	<p><b>Additional Training</b> The operator will be required to complete <b>20</b> hours of in-service training per year (July 1 – June</p>	Operator is required to complete 10 hours of in-service training per year.	Operator is required to complete 10 hours of in-service training per year.

	30).		
6.	<b>Monthly self-evaluation</b> using form provided by the Palm Beach County Health Department.	No self-evaluation requirement	No self-evaluation requirement.
7.	<b>Child Care Advisory Council (CCAC) Representation:</b> One of the two membership positions that represent and operate a private enterprise will be designated for a family day care operator, as soon as a vacancy arises.	No family day care representation on the CCAC.	Not applicable.
8.	<b>Indoor Space:</b> 35 square feet per child of usable space.	35 square feet per child of usable space.	35 square feet per child of usable space.

\*Capacities include all children less than 13 years who are related to the operator.

**Palm Beach County  
Proposed Rule Changes to Allow Large Family Child Care Facility  
Side-By-Side Comparison**

<b>Palm Beach County</b>		<b>State of Florida DCF</b>
<b>1.</b>	<b><u>Caregiver –Child Ratios</u></b> Maximum capacity of 8 infants birth – 24 months, with a ratio of one caregiver to a maximum of 4 children. When the 5 <sup>th</sup> child arrives there must be at least two caregivers present.	Maximum capacity of 8 infants birth – 24 months, with a ratio of one caregiver to a maximum of 4 children.
<b>2.</b>	Maximum capacity of 12 children, birth – 12 years of age providing that: No more than 4 children are under 24 months of age, with a caregiver-child ratio of 1:4.	Maximum capacity of 12 children, birth – 12 years of age providing that: No more than 4 children are under 24 months of age, with a caregiver-child ratio of 1:4.
<b>3.</b>	Maximum capacity of 12 children, birth – 12 years of age providing that: The caregiver-child ratio of 1:6 is maintained for preschoolers 2-4 years of age.	
<b>4.</b>	Maximum capacity of 12 children, birth – 12 years of age providing that: The caregiver-child ratio of 1:8 is maintained for school-age children.	Not addressed
<b>5.</b>	No more than 2 children under 24 months of age per caregiver with responsibility for children of mixed age groups.	Not addressed.

6.	<b>Additional Training</b> Operator must have the Florida Child Care Professional Credential (FCCPC), National Early Childhood Credential (NECC) or its equivalent for one year.	Operator must have the Florida Child Care Professional Credential (FCCPC), National Early Childhood Credential (NECC) or its equivalent for one year.
	The operator will be required to complete <b>20</b> hours of in-service training per year (July 1 – June 30).	Operator is required to complete 10 hours of in-service training per year.
	Employees are required to complete 30 clock hours of Family Child Care Home training plus the 5-hour course in Early Literacy and Language Development.  Substitutes must complete at least the 6-hour Family Child Care Home Rules & Regulations training.	Employees are required to complete 30 clock hours of Family Child Care Home training plus the 5-hour course in Early Literacy and Language Development.  Substitutes must complete at least the 6-hour Family Child Care Home Rules & Regulations training.
7.	<b>Monthly self-evaluation</b> using form provided by the Palm Beach County Health Department.	No self-evaluation requirement.
8.	Child Care Advisory Council (CCAC) Representation: One of the two membership positions that represent and operate a private enterprise will be designated for a family day care or large family child care operator, when a vacancy arises.	Not applicable.
9.	<b>Indoor Space:</b> 35 square feet per child of usable space.	35 square feet per child of usable space.
10.	<b>Outdoor Play Area:</b> A fenced outdoor play area is required. A minimum of 75 square feet per child of outdoor play area for children older than 12 months of age.	No outdoor play area required for children less than 12 months of age. Minimum of 270 square feet of outdoor play area for children older than 12 months of age.
11.	<b>Experience:</b> Must have operated as a family day care home for a minimum of two years with an operator who has had a Florida Child Care Professional Credential (FCCPC) for a minimum of one year.	Must have operated as a family day care home for a minimum of two years with an operator who has had a FCCPC for a minimum of one year.

**PALM BEACH COUNTY HEALTH DEPARTMENT**

**Proposed Family Day Care Home Capacities and Staff-Child Ratios**

Supported by the Child Care Advisory Council

Capacity = 6

General Grouping	Age Groups				Maximum Capacity	Number of Caregivers	Ratio	Comments
	0 -<1	1 - 2	2 - 4	5 - 12				
Birth - 24 Months	4		0	0	4	1	1:4	No child older than 24 months
Birth - 24 Months Plus Other Groups	2		Any combination for a maximum of 4		6	1	1:6	Not more than 2 under 24 months
Other Mixed Groups	Any combination for a maximum of 6 with not more than 2 less than 24 months of age.				6	1	1:6	



**STATE OF FLORIDA STANDARDS**  
**Family Day Care Home Capacities and Staff-Child Ratios**  
**Pursuant to Section 402.302(7), Florida Statutes.**

General Grouping	Age Groups				Maximum Capacity	Number of Caregivers	Ratio	Comments
	0 -<1	1 - <2	2 - <5	5 - 12				
Infants Only	4	0	0	0	4	1	1:4	
Infants plus other children	3	Any combination for a maximum of 3			6	1	1:6	Maximum of 3 infants
	Any combination for a maximum of 6 with not more than 2 infants.				6	1	1:6	
Preschoolers over 1 yr.	0	Any combination for a maximum of 6		0	6	1	1:6	No infants and no school-age
Other Mixed Groups	2	Any combination for a maximum of 3		5	10	1	1:10	Maximum of 2 infants
	Any combination for a maximum of 5 with not more than 2 infants			5	10	1	1:10	

**PALM BEACH COUNTY HEALTH DEPARTMENT**

**Proposed Large Family Child Care Home Capacities and Staff-Child Ratios**

**For Child Care Advisory Council Review**

**Maximum Capacity = 12**

General Grouping	Age Groups				Maximum Capacity	Number of Caregivers	Ratio	Comments
	0 -<1	1 - 2	2 - 4	5 - 12				
Infants & Toddlers	8		0	0	8	2	1:4	No child older than 24 months
Infants/Toddlers & Other Preschoolers	4		6	0	10	2	2:10	Ratios of 1:4 for infants and 1:6 for preschoolers
Infants/Toddlers & School-Age	4		0	8	12	2	2:12	Ratios of 1:4 for infants and 1:8 for school-age
Infant/Toddlers & Preschoolers	3		6	0	9	2	2:9	Ratio of 1:6 for preschoolers
Infants/Toddlers, Other Preschoolers & School-Age	3		1	8	12	2	2:12	Ratio of 1:8 for school-age
	2		4	6	12	2	2:12	
	2		0	10	12	2	2:12	
	1		5	6	12	2	2:12	
Preschoolers & School-Age	0		Any combination for a maximum of 12 with not more than 6 preschoolers		12	2	2:12	Not more than 4 under 24 months AND not more than 6 under 5 years.
Other Mixed Groups	Any combination for a maximum of 12 with not more than 4 less than 24 months of age, and not more than 6 preschoolers.				12	2	2:12	

**STATE OF FLORIDA STANDARDS**  
**Large Family Child Care Home Capacities and Staff-Child Ratios**  
Pursuant to Section 402.302(8), Florida Statutes.

General Grouping	Age Groups				Maximum Capacity	Number of Caregivers	Ratio	Comments
	0 -<1	1 - 2	2 - <5	5 - 12				
Birth – 24 Months	8		0	0	8	2	2:8	No children older than 24 months
Birth – 24 Months Plus Other Groups	4	Any combination for a maximum of 8			12	2	2:12	Not more than 4 under 24 months
Other Mixed Groups	Any combination for a maximum of 12 with not more than 4 less than 24 months of age.				12	2	2:12	

**Child Care Advisory Council**  
**Proposed Large Family Child Care Capacities & Staff-Child Ratios**  
Capacity = 12

General Grouping	Age Groups			Maximum Capacity	Number of Caregivers	Ratio	Comments
	Birth - 24 Months	2 - 4	5 - 12				
Infants Only	8	0	0	8	2	2:8	Ratio of 1:4 for infants
Infants plus other preschoolers	7	1	0	8	2	2:9	Not more than 2 infants in a mixed group 6
	6	2	0	8	2	2:10	1:4 for under 24 months and 1:6 for mixed group of preschoolers
	5	3	0	8	2	2:10	
	4	6	0	10	2	2:10	No more than 2 infants per 6 children per caregiver
	3	6	1	9	2	2:10	
	2	6	2	12	2	2:12	
	1	9	2	12	2	2:12	
0	10	2	12	2	2:12		
School-Age and preschoolers	0	9	3	12	2	2:12	No more than 2 infants per 6 children per caregiver
	0	8	4	12	2	2:12	
	0	7	5	12	2	2:12	
	0	6	6	12	2	2:12	
	0	5	7	12	2	2:12	
	0	4	8	12	2	2:12	
	0	3	9	12	2	2:12	
	0	2	10	12	2	2:12	
	0	1	11	12	2	2:12	
	0	0	12	12	2	2:12	
Infants plus school-age	1		11	12	2	2:12	No more than 2 infants per 6 children per caregiver
	2	0	10	12	2	2:12	
	3	0	9	12	2	2:12	
	4	0	8	12	2	2:12	
	5	0	3	8	2	2:8	
	6	0	2	8	2	2:8	
	7	0	1	8	2	2:8	



Charlie Crist  
Governor

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

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## MEMORANDUM

**DATE:** December 31, 2007

**TO:** Jon Van Arnam, Assistant County Administrator, PBC

**FROM:** Courtney Shippey, Environmental Manager, PBCHD

**THRU':** Dianne Strock, REHP, Environmental Administrator, PBCHD

**SUBJECT:** **Child Care Advisory Council's Action on Proposed Change in Family Day Care License Capacity.**

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This memo provides an update of the activities of the Child Care Advisory Council and Health Department staff regarding the proposal for a change in the family child care license capacity.

Family day care providers in Palm Beach County have stated that the current restriction on staff-child ratios in licensed family day care homes unfairly limits their ability to obtain a reasonable income from their occupation. They also suggested that existing restrictions on the family day care license capacity had contributed to a proliferation of unlicensed family day care homes. On June 5, 2007, family day care providers made this argument at the meeting of Palm Beach County Board of County Commissioners (BCC), and requested a change of the current staff-child ratios for family day care providers in Palm Beach County.

Chapter 77-620, Special Acts, Laws of Florida restricts the capacity of family day care facilities to five children including the provider's children less than 12 years of age. The family day care providers made similar comments to the Child Care Advisory Council (CCAC) on July 11, 2007, and on August 8, 2007. At the July 11 meeting, the CCAC, after considering staff analysis and public comments, determined that the current limits on license capacity for family day care facilities pursuant to the Chapter 77-520, Special Acts, Laws of Florida, were not causing a proliferation of unlicensed child care facilities in Palm Beach County. At that meeting, representatives of the Palm Beach County Family Child Care Association (FCCA) also submitted its proposal for a change in the family day care license capacity and staff-child ratios.



Palm Beach County Health Department  
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Division of Environmental Health staff met with representatives of the FCCA on July 2, 2007, and discussed the Association's proposal for a change in the staff-child ratios. Dr. Jean Malecki, County Health Director, met with representatives of FCCA on October 11, 2007, and discussed the FCCA's request for a ratio change. Based on the results of these meetings and staff's analysis of family day care licensing standards, a statement of the minimum standards recommended by the Health Department was presented to the CCAC in the attached memo dated November 1, 2007.

On December 12, 2007, the Child Care Advisory Council (CCAC), at its regularly scheduled monthly meeting, decided to support a proposal to change the capacity and staff-child ratio in family day care homes in Palm Beach County. This decision resulted from deliberations by the CCAC, which started at the November 14, 2007 meeting, during which the Health Department presented its response to the proposal by the Palm Beach County Family Child Care Association (FCCA):

As a result, the CCAC has decided that it will support revisions to Chapter 77-620, Special Acts, Laws of Florida, to allow the following changes in the family day care capacity and staff-child ratios:

1. A family day care home shall have a maximum capacity of not more than six children, including the operator's own children under the age of 13 years, providing that:
  - a. No more than two (2) of the children are under the age of two years and a staff-child ratio of 1:6 is maintained.
  - b. If all the children in the family day care home are under the age of 24 months, the current maximum capacity of four (4) children and a staff-child ratio of 1:4 would be maintained.
2. Allow licensing of a Large Family Day Care Home with the following capacities and ratios:
  - a. Maximum of 8 children when all are between the ages of birth to 24 months of age, with a staff-child ratio of 1:4. This means that when the fifth child is present, a second staff person is required.
  - b. Maximum of 12 children of mixed age groups from birth to 12 years of age with the restrictions on following group sizes and staff-child ratios:
    - i. Not more than 4 children under 24 months of age, with a staff-child ratio of 1:4;
    - ii. A staff-child ratio of 1:6 for preschoolers (2 -4 years of age); and
    - iii. A staff-child ratio of 1:8 for school-age children.
  - c. The home for which a large family day care home license is sought shall have operated as a licensed family day care home for a least two calendar years immediately preceding the date of application, without any recorded

Jon Van Arnam, Assistant County Administrator  
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Class I violation, violations of exceeding the licensed capacity or inadequate supervision during the two-year period.

3. In addition to having a National Early Childhood Certificate (NECC) or its equivalent, and other training requirements required by the Department of Children and Families (DCF), the operators of family day care homes and large family day care homes shall complete an additional 10 hours of training, the specific contents of which will be determined by the Department.
4. Operators of family day care homes and large family day care homes shall conduct a monthly self-evaluation of their facility, and make a written report available to the Palm Beach County Health Department in a format and manner prescribed by the Department.

Additionally, the CCAC supported the following recommendations made by the Palm Beach County Health Department:

1. Family day care providers should be represented on the CCAC, being one of the two members "who represent and operate as a private enterprise" a facility regulated under Chapter 77-620, Special Acts, Laws of Florida. One of these two positions on the CCAC should be designated for family day care representation.
2. Until one of these CCAC positions become vacant, an ad hoc membership position should be created to allow family day care non-voting participation in the Council's deliberations.

During consideration of this issue, representatives of the FCCA addressed the CCAC, and urged the CCAC to support the Health Department's recommendations. It was highlighted that these recommendations by the CCAC would be presented to the Board of County Commissioners (BCC) as part of the Department's response to questions raised by the BCC on June 5, 2007. The FCCA also was informed that the proposed changes required legislative actions at the state and local levels, and the process for such actions could be lengthy, with no guarantees of the specific outcomes.

We are available to answer any questions you may have or provide any additional information you may need.

cc: CCAC Members (6)  
Ms. Corinne Williams, President, PBC Family Child Care Association  
Dr. Jean Malecki, County Health Director, PBC Health Department  
Mr. John O'Malley, Director, Environmental Health & Engineering, PBCHD

Attachment

**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.**