

Agenda Item #:

6A-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE CHILD CARE FACILITIES BOARD

PALM BEACH COUNTY HEALTH DEPARTMENT

AGENDA ITEM SUMMARY

Meeting Date: July 19, 2011

☐ Consent

☒ Regular

☐ Ordinance

☐ Public Hearing

Department: Palm Beach County Health Department

Submitted By: Administration

Submitted For: Child Care Facilities Board

I. EXECUTIVE BRIEF

A. Motion and Title: Staff recommends motion to approve: on preliminary reading and advertise for public hearing at 9:30 A.M., August 16, 2011. A Resolution of the Board of County Commissioners of Palm Beach County, Florida, Sitting as the Child Care Facilities Board, Titled the Palm Beach County Rules and Regulations Governing Child Care Facilities: Amending Articles III Through XIX and Article XX; Re-Naming Articles V, VI and XI; of the Rules and Regulations Governing Child Care Facilities in Palm Beach County; Providing for Definitions; Providing for Rules of Procedure for the Child Care Advisory Council; Providing for License and Certificate Application Procedures; Providing for Procedures for Hearings, Denial and Revocation of Licenses; Providing for Child Care Personnel Training Requirements; Providing for Background Screening Requirements; Providing for Supervision and Staffing Requirements; Providing for Daily Program and Discipline; Providing for Physical Facilities Requirements; Providing for Preparation and Food Service; Providing for Nutrition; Providing for Medicine, First-Aid and Emergency Procedures; Providing for Communicable Disease Control; Providing for Admission, Assessment and Record Keeping; Providing Child Care During Nighttime Hours; Providing for Transportation; Providing for Field Trips And Swimming Activities; Providing for Specialized Child Care for Mildly Ill Children; Providing for Classification of Violations; Providing for Enforcement; Providing for Repeal of Laws in Conflict; Providing for Inclusion in the Code; Providing for Severability; Providing for a Savings Clause; and Providing for an Effective Date..

B. Summary: The Child Care Advisory Council and the Palm Beach County Health Department are recommending a number of changes to the Rules and Regulations Governing Child Care Facilities. . (Continued on page 3).

C. Background and Policy Issues: The proposed amendments to the Palm Beach County Rules and Regulations Governing Child Care Facilities were reviewed and approved by the Child Care Advisory Council on June 14, 2011. (Continued on Page 3)

D. Attachments:

1. Resolution
2. Palm Beach County Rules and Regulations Governing Child Care Facilities

Recommended by: _____

Department Director

7/7/11
Date

Approved by: _____

Assistant County Administrator

7/14/11
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	\$ 0	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	(34,765)	(34,765)	(34,765)	(34,765)	(34,765)
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
HEALTH DEPARTMENT NET FISCAL IMPACT	(34,765)	(34,765)	(34,765)	(34,765)	(34,765)

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:

The proposed small increase in license fees will generate approximately \$34,765 annually. Health Department staff time will be required. No additional personnel or contract funds are needed.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

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

The potential revenue is reflected in the Health Department's budget.
 OFMB VA 7/12/11
 Contract Dev. and Control 7/13/11
 7-13-11 B collector

B. Legal Sufficiency:

Assistant County Attorney 7/13/11

Victoria Coleman-Keller
 Chief Legal Counsel

C. Other Department Review:

Department Director

B. Summary (Continued from Page 1)

The Board of County Commissioners, pursuant to a Special Act of the State of Florida, serves as the Child Care Facilities Board and in this capacity, is required to promulgate rules and regulations as needed to protect the health and safety of children in child care facilities. The proposed changes will update County rules and provide greater consistency with State regulations which have been amended several times since the last rule update in 2005. The substantive proposed rule changes accomplish the following:

1. Incorporate new State child care standards pursuant to Chapter 402, Florida Statutes and Chapter 65C-22, Florida Administrative Code;
2. Incorporate new requirements of Chapter 2010-249, Special Acts, Laws of Florida;
3. Add and clarify requirements for transportation of children;
4. Reduce outdoor play area site requirements;
5. Require high school diploma for child care personnel;
6. Add pre-licensing training requirements and clarify license application requirements;
7. Increase license fees;
8. Add guidelines for issuing provisional and probationary licenses;
9. Delete Department of Children and Families' child care training information and procedures that are not applicable child care standards;
10. Incorporate new child care personnel background screening requirements pursuant to Chapter 435, Florida Statutes;
11. Allow commingling of infants and older children to facilitate transitioning of infants to groups of older children; and
12. Reorganize the following articles of the existing rules to improve coherence and clarity: Article VI - Staff Qualifications, Article VIII - Supervision and Staffing Requirements, and Article X - Physical Facilities.

Countywide (GB)

C. Background & Policy Issues (Continued from Page 1): As of May 31, 2011 there were 738 permitted child care providers in Palm Beach County with a total capacity of 44,269 slots for children. Of these providers, 419 are center-based, and 319 are home-based. 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. Six counties including Palm Beach County have the statutory authority through special acts or local ordinances to promulgate local child care regulations. Local child care standards must meet or exceed State requirements. The primary purpose of child care licensing regulations is to ensure the health and safety of children in out-of-home child care settings.

The recommendations for amendments to the rules were reviewed and discussed by the Child Care Advisory Council during several public meetings and workshops conducted over the course of the 12-month period, and were recommended for approval at a Special Call Meeting on June 14, 2011. Child care providers and representatives of several early education and child caring agencies have participated actively and in unprecedented numbers in the discussions at the Child Care Advisory Council, and their comments and recommendations have been taken into consideration in presenting these proposed amendments.

Palm Beach County Rules and Regulations Governing Child Care Facilities were last amended September 27, 2005. Staff and the Child Care Advisory Council proposed these changes mainly to incorporate applicable changes made in State law over the past five years, and to reflect recent amendments to Palm Beach County's local law, Chapter 59-1698, Special Acts, Laws of Florida which is now Chapter 2010-249, Special Acts, Laws of Florida.

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44 child care; and

45 **WHEREAS**, Palm Beach County acknowledges the need to protect the
46 health, safety, and welfare of children enrolled in child care facilities; and

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48 **WHEREAS**, it is necessary to change the existing Rules and Regulations
49 Governing Child Care Facilities to respond to the changing needs for child care in Palm
50 Beach County.

51 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
52 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, sitting as the Child Care
53 Facilities Board that:

54 **Section 1. The Palm Beach County Rules and Regulations Governing Child**
55 **Care Facilities are hereby amended as set forth in the attached**
56 **Appendix.**

57 **Section 2. Repeal of Laws in Conflict**

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59 All local rules and regulations or local laws in conflict with any provision of this
60 resolution are hereby repealed to the extent of any conflict.

61 **Section 3. Inclusion in the Code of Laws and Ordinances**

62 The provisions of these Rules and Regulations shall become and be made part of the
63 Code of Laws and Ordinances of Palm Beach County, Florida, and the Articles of these
64 Rules and Regulations may be re-numbered or re-lettered to accomplish such intention,
65 and the words "rules and regulations" may be changed to "section", "article", or other
66 appropriate word.

67 **Section 4. Severability**

68 If any section, subsection, sentence, clause, or provision of these Rules and Regulations

69 is held unconstitutional, inoperative, or void by a court of competent jurisdiction, such
70 holding shall not affect the remainder of these Rules and Regulations.

71 **Section 5. Savings Clause**

72 All enforcement actions related to any license issued pursuant to the Rules and
73 Regulations Governing Child Care Facilities in Palm Beach County and initiated prior to
74 the effective date of these Rules and Regulations shall continue in full force and effect
75 without interruption.

76 **Section 6. Effective Date**

77 The provisions of these Rules and Regulations shall become effective upon approval by
78 the Board of County Commissioners, sitting as the Child Care Facilities Board, and filed
79 with the Clerk to the Board of County Commissioners.

80

81 The foregoing Resolution was offered by Commissioner
82 _____ who moved its adoption. The motion was seconded
83 by Commissioner _____ and, being put to a vote, the
84 vote was as follows:

85 COMMISSIONER KAREN MARCUS, CHAIR
86 COMMISSIONER SHELLEY VANA, VICE CHAIR
87 COMMISSIONER PAULETTE BURDICK
88 COMMISSIONER STEVEN ABRAMS
89 COMMISSIONER JESS SANTAMARIA
90 COMMISSIONER BURT AARONSON
91 COMMISSIONER PRISCILLA TAYLOR

92 The Chair thereupon declared the Resolution duly passed and adopted this
93 ____ day of _____, 2011.

94

95 APPROVED AS TO FORM AND
96 LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

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100 Sharon Bock, Clerk & Comptroller

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102

1 **PALM BEACH COUNTY RULES & REGULATIONS GOVERNING CHILD CARE FACILITIES**

2
3 **Chapter 1 CHILD CARE FACILITIES**

4
5 **ARTICLE I. SHORT TITLE AND APPLICABILITY**

- 6
7 A. These rules and regulations shall be known as the "Palm Beach County Rules and
8 Regulations Governing Child Care Facilities".
9
10 B. All provisions of these rules and regulations shall be effective within the unincorporated
11 and incorporated areas of Palm Beach County, Florida.
12
13 C. These rules and regulations shall be construed to effect the purposes of protecting the
14 health, safety and welfare of the children of Palm Beach County and promoting their
15 emotional and intellectual development and care. These rules shall be the minimum
16 standards for facilities providing child care in Palm Beach County.
17
18 D. These rules and regulations shall apply to all child care facilities located in Palm Beach
19 County. Unless otherwise provided herein, strict compliance with the rules shall be
20 required.
21

22 **ARTICLE II. AUTHORITY**

23
24 These rules and regulations are adopted under the authority of Chapter 59-1698, Special
25 Acts, Laws of Florida, as amended.
26

27 **ARTICLE III. DEFINITIONS**

28
29 For the purpose of these minimum standards, the following terms shall have the meaning
30 indicated in this article. No attempt is made to define ordinary words which are used in
31 accordance with their established dictionary meaning except when necessary to avoid
32 misunderstanding.
33

- 34 1. *Adult* -- means A person eighteen (18) years of age or older.
35
36 2. *Before-school and after-school sites* -- means, Programs, no matter their location,
37 providing child care for children who are five years old and above, when they are
38 enrolled in and attending a kindergarten program or grades one (1) and above,
39 during the school district's calendar year. This is limited to programs providing care
40 before and after the school day only, teacher planning days, holidays, and
41 intercessions that occur during the school district's official calendar year.
42
43 3. *Cardiopulmonary resuscitation* -- ~~refers to~~ Current certification in infant and child
44 cardiopulmonary resuscitation ("CPR"), an emergency procedure for sustaining
45 breathing and heartbeat until professional help arrives. ~~Acceptable courses include~~
46 ~~those authorized by the American Heart Association or the American Red Cross~~
47 ~~which contain an infant and child component. Such course shall be a "hands-on~~
48 ~~course" with real-time classroom instruction. On-line Internet CPR courses are not~~
49 ~~acceptable to meet this standard.~~
50
51 4. ~~CDA~~ means Child Development Associate, and is a national credential, recognized
52 throughout the United States and the world, issued by the Council for Early
53 Childhood Professional Recognition in Washington, DC. —
54
55 5. *CDA Equivalency or State approved CDA Equivalency* -- means A training program
56 that has been approved by the Department of Children & Families as meeting or
57 exceeding the criteria established for an equivalency program.
58

- 59 6. ~~CEU~~ means Continuing education unit, the equivalent of ten (10) clock hours of
60 training.
- 61
- 62 7. *Certificate of compliance* -- means A document issued in lieu of a license to a bona fide
63 religiously affiliated child care programs which that complies with the minimum
64 standards of health and safety and well-being set forth in these rules, and which apply
65 for such certificate. Unless specifically indicated in these rules, all rules and regulations
66 applicable to licensed ~~holders~~ child care facilities apply equally to certificate of
67 compliance holders facilities.
- 68
- 69 8. *Certificate of substantial compliance* -- means A document in the form of a certificate,
70 issued in lieu of a license to a non-public school for a program for children who are at
71 least three (3) years of age, but under (5) five years of age that need not be licensed
72 provided: (i) the programs in the non-public schools are operated and staffed directly
73 by the non-public schools; (ii) a majority of the children enrolled in the schools are five
74 (5) years of age or older; (iii) there is compliance with the screening requirements for
75 personnel pursuant to these rules; and (iv) the program substantially complies with the
76 minimum child care standards promulgated by these rules. ~~As such, a~~ All rules and
77 regulations applicable to licensed facilities holders apply equally to certificate of
78 substantial compliance holders facilities, unless specifically exempted herein.
- 79
- 80 9. *Child* -- means A person less than thirteen (13) years of age who is related to the
81 operator of a facility regulated hereunder, ~~under twelve (12) years of age~~ and all other
82 persons less than eighteen (18) years of age.
- 83
- 84 10. *Child care* -- means The care, protection and supervision of children for a period less
85 than twenty-four (24) hours a day on a regular basis which supplements parental care,
86 enrichment and health supervision for children in accordance with individual needs, and
87 for which compensation is received in the form of a payment, fee, grant, services, or
88 goods in kind. In addition, facilities which are held out to be establishments which
89 regularly provide child custodial care shall be deemed child care facilities regardless of
90 whether compensation is received, and be subject to the requirements herein.
- 91
- 92 11. *Child Care Advisory Council* -- means An entity appointed by the Board of County
93 Commissioners of Palm Beach County, sitting as the Child Care Facilities Board, to serve
94 on behalf of the Board of County Commissioners as to the issuance and revocation of
95 licenses or certificates, and to advise the Board as to the rules and regulations
96 necessary to protect the health and safety of children in child care facilities. The term
97 "Council" may be used interchangeably with "Child Care Advisory Council." The
98 Department shall serve as staff to the Council.
- 99
- 100 12. *Child care facility* -- means Any building or shelter in which custodial care is rendered
101 to six (6) or more children, and for which compensation is received in the form of a
102 payment, fee, grant, goods or services in kind for any of the children receiving care,
103 whether or not operating for profit or which is held out to the public to be an
104 establishment which regularly provides child custodial care. The term also refers to the
105 child care operation associated with the building or shelter, and for the purposes of
106 these rules also includes specialized child care facilities for the mildly ill. Establishments
107 which obtain a certificate of compliance, or certificate of substantial compliance, are
108 also considered child care facilities for the purposes of this rule. For the purposes of
109 these rules, the term "facility" also means child care facility.
- 110
- 111 A. The following are not included within the meaning of child care facility:
- 112
- 113 i. Public schools and non-public schools and their integral programs, except as
114 provided herein.
- 115
- 116 ii. Summer twenty four (24)-hour camps having children in full-time residence.
117 Summer twenty four (24)-hour camp means recreational, educational and

other enrichment programs operated during summer vacations for children who are five (5) years of age or older on or before September 1st of the calendar year. Such programs are not exclusively educational, pursuant to section 409.175 (2)(m), Florida Statutes, as amended or replaced.

iii. Summer day camps as defined in section 409.175 (2)(l) Florida Statutes, as amended or replaced. Summer day camp means recreational, educational and other enrichment programs operated during summer vacations for children who are five (5) years of age or older on or before September 1st of the calendar year.

iv. Bible schools normally conducted during vacation periods.

v. Operators of transient establishments licensed under Chapter 509, Florida Statutes, as amended or replaced, that provide child care services solely for the guests of their public lodging establishment, provided all child care personnel of the establishment are screened according to the Level 2 screening requirements of Chapter 435, Florida Statutes, as amended or replaced.

vi. Hospitals maintaining current Joint Commission for the Accreditation of Health Care Organizations (JCAHO) accreditation, operating hospital based child care for mildly ill children.

B. For public and non-public schools, the following shall apply:

i) *Public schools:*

(a) The following programs for children shall not be deemed to be child care and shall not be subject to the provisions of these rules (except for screening of personnel).

1. Programs for children in five-year-old kindergarten and grades one (1) or above.
2. Programs for children who are at least three (3) years of age, but who are under five (5) years of age, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.
3. Programs for children under three (3) years of age who are eligible for participation under the existing or successor provision of ~~Pub L No. Public Law~~ 94-142 {The Individuals with Disabilities Education Act (IDEA)} or ~~Pub L No. Public Law~~ 99-457 {Education of the Handicapped Act (EHA)}, provided they are operated and staffed directly by schools and meet age-appropriate standards as adopted by the State Board of Education.

(b) The following programs for children shall be considered child care and shall be subject to the provisions of these rules:

1. Programs for children who are under five (5) years of age where the programs are not operated and staffed directly by the schools.
2. Programs for children under three (3) years of age who are not eligible for participation in the programs under existing or successor provisions of ~~Pub L No. Public Law~~ 94-142 or ~~Pub L No. Public Law~~ 99-457.

ii) *Non-public schools:*

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- a. Programs for children under three (3) years of age shall be considered child care and subject to the provisions of these rules.
 - b. A non-public school may designate certain programs as child care in which case the program will be subject to the provisions of these rules. As such, these programs shall operate subsequent to obtaining a child care license or applicable certificate pursuant to Article IV.A. of these rules.
 - c. Programs for children in five (5)-year-old kindergarten, or grade one (1), or above, are exempt from the provisions of these rules.
 - d. Programs for children who are at least three (3) years of age, but under (5) five years of age need not be licensed provided:
 - a) the programs in the schools are operated and staffed directly by the schools;
 - b) a majority of the children enrolled in the schools are five (5) years of age or older;
 - c) there is compliance with the screening requirements for personnel pursuant to these rules; and
 - d) the program substantially complies with the minimum child care standards set forth by these rules.

199 After demonstrating to the Palm Beach County Health Department that said
200 standards have been met, submission of documentation pursuant to Article
201 IV (A) herein, and payment of applicable fees, such programs may be given
202 a certificate of substantial compliance in lieu of a license.

203
204 ~~(1) Substantial compliance facilities must meet the screening requirement~~
205 ~~pursuant to Florida Statutes §§ 402.305 and 402.3055, as may be~~
206 ~~amended. A substantial compliance facility which fails to comply with~~
207 ~~such screening requirements shall be required to obtain a license or~~
208 ~~certificate of compliance pursuant to these rules. The local licensing~~
209 ~~agency shall conduct a quarterly review of the employment screening~~
210 ~~records to ascertain compliance with the screening requirements. An~~
211 ~~affidavit of screening shall be submitted quarterly to the local licensing~~
212 ~~agency by the owner or operator to verify that all personnel have been~~
213 ~~screened.~~

214
215 (2) 1. Facilities which request a certificate of substantial compliance shall,
216 prior to receiving the initial certificate of substantial compliance and
217 prior to annual renewal, submit documentation pursuant to Article IV of
218 these rules.

219
220 (3) 2. Before- and after-school program's enrollment will not be counted in
221 determining the majority of the children in non-public schools.

222
223 e. *Before- and after-school programs:*

224
225 (1) All child care facilities providing before- and after-school programs or sites, as
226 defined in Article III (B) herein, shall be licensed or have a certificate of
227 compliance.

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229 (2) Exceptions:

- 230 a. Before- and after-school programs or sites operated and staffed directly by
231 public and non-public schools and serving only children enrolled in their
232 regular school program are not subject to these rules.
- 233 b. An after-school program serving school age children is not required to be
234 licensed as a child care facility if the program meets one of the following
235 criteria:

- 236 1. Program provides activities that are strictly instructional or
237 tutorial/academic in nature. These programs cannot extend beyond the
238 instructional and tutorial/academic activities of that program and cannot
239 serve or prepare meals. The program may choose to provide drinks,
240 snacks, and vending machine items that do not require refrigeration or
241 preparation. Some examples of these programs include, but are not
242 limited to, computer class; ballet; karate; gymnastics; baseball, and other
243 sports; or
- 244 2. Program meets all of the following criteria:
245 a. Serves children in the 6th grade level or above; and
246 b. Operates for a period not to exceed a total of four hours in any one
247 day; however, the program may extend to providing services before
248 school, on teacher planning days, holidays, and intercessions that
249 occur during the school district's official calendar year; and
250 c. Allows children to enter and leave the program at any time, without
251 adult supervision; and
252 d. Does not provide any transportation, directly or through a contract
253 or agreement with an outside entity, for the purpose of field trips,
254 during the hours of operation; and
255 e. Does not serve or prepare any meals or snacks. The program may
256 choose to provide drinks, snacks, and vending machine items that
257 do not require preparation or refrigeration.
258
- 259 13. ~~CDA~~—means Child Development Associate (CDA) - ~~and is~~ A national credential,
260 recognized throughout the United States and the world, issued by the Council for
261 Early Childhood Professional Recognition in Washington, DC.
262
- 263 14. *Child Care Facilities Board* -- means The Board of County Commissioners of Palm
264 Beach County sitting as the local licensing agency to license child care facilities in
265 Palm Beach County. The term "Board" may be used interchangeably with "Child Care
266 Facilities Board".
267
- 268 15. *Child Care for Mildly Ill Children* – means The care of children with short term illness
269 or symptoms of illness or disability, provided either as an exclusive service in a
270 center specialized for this purpose, or as a component of other child care services
271 offered in a distinct part of a regularly licensed child care facility, for a period of less
272 than 24 hours per day.
273
- 274 16. *Child enrichment service provider* - means An individual who provides enrichment
275 activities, such as language training, music instruction, educational instruction, and
276 other experiences, to specific children during a specific time that is not part of the
277 regular program in a child care facility.
278
- 279 17. *Commingle* -- ~~means~~ Placing or allowing children less than twenty-four (24) months
280 of age (infants) to share the same area or space with children two (2) years of age
281 or older.
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- 283 18. *Conspicuously posted* – ~~means~~ Clearly visible, immediately apparent upon entering
284 the room. Lettering on such materials produced by the facility shall be bold-faced,
285 easily readable, and no smaller than one (1) inch in height.
286
- 287 19. *Contagious disease* – ~~means~~ A type of infectious disease caused by receiving living
288 germs directly from the person afflicted with the disease, or by contact with a
289 secretion of the afflicted person, or by some object handled or used by an afflicted
290 person.
291
- 292 20. Continuing Education Unit (CEU) – A standard unit of measure of coursework used
293 for training and credential purposes.
294

- 295 21. *Custodial care* -- means Child care as previously defined herein, for the purposes of
296 these rules.
297
- 298 22. *Department* -- means The Palm Beach County Health Department.
299
- 300 23. *Director* -- The on-site administrator or individual who has primary responsibility for
301 the day-to-day operation, supervision, and administration of a child care facility. The
302 term is used synonymously with "operator."
303
- 304 24. ~~21. Director Credential~~ -- means ~~a comprehensive credentialing program consisting~~
305 ~~of two levels of education and experiential requirements as outlined in Article VI (B)~~
306 ~~herein~~ A Florida Department of Children and Families (DCF) -approved
307 comprehensive credential that consists of educational and experiential requirements
308 as referenced in Rule 65C-22.003(8), F.A.C., as amended or replaced.
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- 310 25. *Disinfection* -- The destruction or elimination of most or all disease-causing
311 microorganisms.
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- 313 26. ~~22. Drop-in child care~~ -- means Child care provided in a child care facility located in
314 a shopping mall or business establishment, where a child is in care for no more than
315 a four (4) hour period, and where the parent or person leaving the child at the drop-
316 in care facility remains on the premises of the shopping mall or business
317 establishment at all times while the child is in care. Drop-in child care arrangements
318 shall be licensed and shall meet all the requirements for child care facilities unless
319 specifically exempted herein. Drop-in child care shall not refer to similar child care
320 arrangements in health clubs/spas/gyms, bowling alleys, athletic
321 training/instructional facilities, or to short term care in a licensed child care facility. A
322 determination as to status as a drop-in child care facility will be made by the
323 Department on a case by case basis.
324
- 325 27. ~~23. Fictitious name documentation~~ -- means (1) a copy of the applicant's, or license
326 holder's, or certificate holder's current fictitious name registration, issued by the
327 Division of Corporations of the Department of State; or (2) a written statement by
328 the applicant, certificate holder, or license holder setting forth the reason why
329 compliance with the Fictitious Name Act (section 865.09, Florida Statutes, as
330 amended or replaced) is not required.
331
- 332 28. ~~24. Field trip~~ -- means Any excursions from the premises of a child care facility,
333 excluding regular transportation to and from the facility for child pick up and
334 delivery.
335
- 336 29. ~~25. First-aid training~~ -- refers to a current certification card in a course of instruction
337 designed to provide fundamental principles, knowledge, and skills in first-aid and
338 accident prevention equivalent to the Red Cross Standard First-Aid Course. Such
339 course shall be a "hands-on course" with real time classroom instruction.
340
- 341 30. *Florida Child Care Professional Credential (FCCPC)* -- A credential pursuant to
342 Section 402.305(3)(b), F.S., that certifies successful completion of a DCF-approved
343 training program, that consists of a minimum of 120 hours of early childhood
344 instruction, 480 contact hours with children ages birth through eight years, and at
345 least two methods of formal assessment that offers two areas of certification. "Birth
346 Through Five" (formerly the DCF-approved CDA Equivalency training programs) and
347 "School-Age" (formerly the Florida School-Age Certification). Credentials must be
348 documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional
349 Credential Certificate. A copy of CF-FSP 5270 may be obtained from the Florida
350 Department of Children and Families' website at www.myflorida.com/childcare.
351 Active credentials are valid for five years from the date of issuance. A list of
352 approved and recognized FCCPC programs may be obtained from the Department
353 of Children and Families' website at www.myflorida.com/childcare
354

- 355 31. Florida Department of Education Child Care Apprenticeship Certificate (CCAC) – A
356 DCF approved child care credential that consists of a minimum of 120 hours of early
357 childhood instruction and 480 contact hours with children ages birth through eight (8)
358 years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list
359 of approved and recognized DOE programs may be obtained on the Department of
360 Children and Families’ website at www.myflorida.com/childcare.
361
- 362 32. Florida Department of Education Early Childhood Professional Certificate (ECPC)” -
363 A DCF- approved child care credential that consists of a minimum of 120 hours of
364 early childhood instruction and 480 contact hours with children ages birth through
365 eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c),
366 F.S. A list of approved and recognized DOE programs may be obtained on the
367 Department of Children and Families’ website at www.myflorida.com/childcare
368
- 369 33. Florida Department of Education School-Age Professional Certificate (SAPC)” - A
370 DCF-approved child care credential that consists of a minimum of 120 hours of early
371 childhood instruction and 480 contact hours with school-age children and meets or
372 exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and
373 recognized DOE programs may be obtained on the Department of Children and
374 Families’ website at www.myflorida.com/childcare
375
- 376 34. Group – A facility-designated unit of children usually organized by age-group that are
377 under the care and supervision of the same designated staff member(s), and are
378 engaged in the same program of activities at the same time in the same room or
379 common area.
380
- 381 35. ~~26.~~ Handicapped child -- means A child with deafness, hearing impairment,
382 blindness, visual impairment, musculoskeletal handicap, speech impairment, health
383 or developmental impairment, mental retardation, serious emotional disturbance,
384 specific learning disability, who by reason thereof requires special services.
385
- 386 36. ~~27.~~ Health Department -- means The Palm Beach County Health Department of the
387 Florida Department of Health, which is responsible for carrying out the administrative
388 and financial duties of the Board and for inspecting child care facilities in Palm Beach
389 County to insure compliance with these rules and regulations as well as with
390 applicable state laws and regulations. For the purposes of these rules, the Palm
391 Beach County Health Department may also be referred to herein as the Department.
392
- 393
- 394 37. ~~28.~~ Health Provider Consultant – for the purpose of this rule, means A Florida
395 licensed pediatric physician; a Florida licensed family practitioner; a physician’s
396 assistant with appropriate pediatric experience; an advanced registered nurse
397 practitioner (ARNP) with appropriate pediatric experience; or a registered nurse with
398 experience in pediatric nursing, who supervises or provides direction to the licensed
399 health caregiver, and is available for consultation.
400
- 401 38. High School Diploma, GED and/or College Degree - means A diploma or degree
402 obtained from an institution accredited and recognized by U.S. Department of
403 Education. High school diplomas issued by private schools that are registered with
404 the Florida Department of Education will be accepted. If a high school diploma is
405 earned outside the U.S., it must be translated by an individual who is a member of
406 the American Translators Association, an approved credential evaluation agency
407 approved by the Bureau of Educators Certification, or an accredited
408 college/university. If a college degree is earned outside the U.S., it must be
409 evaluated by an approved credential evaluation agency approved by the Bureau of
410 Educators Certification or an accredited college/university to be equivalent to a U.S.
411 degree.
412
- 413 39. ~~29.~~ Indoor recreational facility -- means An indoor commercial facility which is
414 established for the primary purpose of entertaining children in a planned fitness

environment through equipment, games, and activities in conjunction with or without food service, and which provides child care for a particular child no more than four (4) hours on any one day. An indoor recreational facility must be licensed as a child care facility pursuant to these rules, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in Article X(C)(1) of these rules, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space designated for indoor play or fitness activities.

40. 30.—*Infant* -- means A child less than twenty-four (24) months of age.

41. 31.—*Isolation area* –

a. In a facility not providing specialized child care for the mildly ill, this shall be a room or area, adequately ventilated and heated, provided for the temporary isolation of children with communicable diseases or who are displaying signs of illness and are waiting to be picked up by the parent or guardian. This room or area is to be conveniently located near hand washing and toilet facilities and must be in an easily observable location. Such an area or room must be provided with a cot, mat, or bed consisting of materials that can be sanitized easily.

b. In a facility providing specialized child care for the mildly ill, this shall be a room or a series of rooms within the child care facility for mildly ill children, which provides separate airflow, and physical separation, from the rest of the facility. The isolation area must include a separate toilet, hand washing facility and diaper changing area. This area shall only be utilized when caring for children with contagious diseases.

42. License – A written operating permit issued to the owner of a care child care facility by the department pursuant to Chapter 59-1698, Special Acts, Laws of Florida, as amended. This permit verifies that the child care facility complied with minimum health and safety standards as set forth in these rules, and is permitted to operate in Palm Beach County subject to conditions documented on the permit. Regardless of the issue date, a license expires December 31 of each year. A certificate of compliance or a certificate of substantial compliance may be issued in lieu of a license for designated types of child care facilities.

43. 32.—*Licensed capacity* -- means The maximum number of children or infants that may be cared for by a facility at any one time whether on or off facility premises. This includes children away from the facility on field trips. Licensed capacity shall be based on the minimum requirements of these rules including indoor usable space measurements, outdoor play area measurements, as well as the number of toilets, lavatories, and water fountains. For the purposes of this rule, licensed capacity is the equivalent of the approved capacity in facilities receiving certificates in lieu of a license.

44. 33.—*Licensed Health Caregiver* – means At a minimum a licensed practical nurse who has knowledge and experience in the routine medical needs of mildly ill children, is trained to perform the written physical assessment, and is under the direction of a health provider consultant

45. 34.—*Medication* -- means A drug or other substance used as a remedy for, or prevention of illness:

(a) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement thereto;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in man or other animals;

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- (c) Intended to affect the structure of any function of the body of man or other animals;
- (d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), but does not include devices, their components, parts, or accessories; or
- (e) Does not include topical non-medicated physical barriers as defined in Article XIII (D).

46. ~~35.~~ *Mildly Ill children* -- refers to Children exhibiting illnesses or symptoms of illnesses which have caused or would cause them to be excluded from regular child care settings, as defined in Article XIV (A) herein, and who need special attention and supervision, and meet the admission criteria for mildly ill programs as described in Article XV (F) of these rules.

47. *Nighttime care* -- Child care provided during the evening hours and may encompass the hours of 6:00 PM to 6:00 AM to accommodate parents who work evenings and late-night shifts. This term has the same meaning as "evening care" under 402.302, Florida Statutes

48. ~~36.~~ *Operator/director* -- means Any onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.

49. ~~37.~~ *Owner* -- means The person(s) or entity who bear(s) legal ownership of the child care facility operation or business and has ultimate responsibility for the overall operation, administration and compliance with rules and regulations governing child care facilities. This responsibility shall not be delegated or assigned.

50. ~~38.~~ *Parent* -- means A person with legal custody of a child in care such as a mother, father, or legal guardian.

51. ~~39.~~ *Sanitize* -- ~~as it refers to diaper changing mats, toys which may be mouthed, or other surfaces such as tables and benches, this means The application of an appropriate germicidal solution or agent to reduce the number of disease-causing or other undesirable microbes by at least 99.9% on nonliving surfaces or objects with which children have regular or frequent contact. via spray bottle, or by immersion if appropriate This solution shall be made by adding one tablespoon of bleach to a quart of water, or one quarter cup of bleach to a gallon of water. This solution shall be made fresh daily, with unused portions disposed of at the end of each day. Alternate disinfecting agents may be used in accordance with the manufacturer's specifications, provided that such use renders the items 99.9% germ free, and leaves no toxic residue. Where such alternative sanitizing agents are used, the facility shall obtain and keep on hand at the facility appropriate Material Safety Data Sheets (MSDS) for those products.~~

52. ~~40.~~ *Screening* -- means The act of assessing the background of child care personnel and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation; except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different, and statewide criminal records correspondence checks through the Department of Law Enforcement.

- 533 53. 41. *School-aged child care* – means Child care provided for school aged children,
534 that is, children five (5) years of age and older, and provided in a manner and
535 setting not exempted elsewhere in these rules.
536
- 537 54. 42. *Snack* – means A commercially pre-packaged non-potentially hazardous ready-
538 to-eat-food item that is wrapped for individual consumption. This also includes fresh,
539 whole, uncut, ready-to-eat non-potentially hazardous fruits and vegetables.
540
- 541 55. 43. *Specialized Child Care Facilities for the Care of Mildly Ill Children* -- means Any
542 child care facility, which provides child care for more than five mildly ill children
543 unrelated to the operator and, which receives a payment, fee, or grant for any of the
544 children receiving care, wherever operated, and whether or not operated for profit,
545 for a period of less than 24 hours per day. Specialized child care facilities may
546 provide care for mildly ill children in a facility specialized for this purpose, or as a
547 component of other child care services offered in a distinct and separate part of a
548 regularly licensed child care facility.
549
- 550 56. 44. *Staff/personnel* -- means All owners, operators, employees, substitutes, and
551 volunteers working in a child care facility. The term does not include persons who
552 work in a child care facility after hours when children are not present or parents of
553 children in Head Start. For purposes of screening, the term includes any member,
554 over the age of twelve (12) years, of a child care facility operator's family, or person,
555 over the age of twelve (12) years, residing with a child care facility operator if the
556 child care facility is located in or adjacent to the home of the operator or if the family
557 member of, or person residing with, the child care facility operator has any direct
558 contact with the children in the facility during its hours of operation. Members of the
559 operator's family or persons residing with the operator who are between the ages of
560 twelve (12) years and eighteen (18) years shall not be required to be fingerprinted
561 but shall be screened for delinquency records. A volunteer who assists on an
562 intermittent basis for less than ~~forty (40)~~ 10 hours per month is not included in the
563 term "personnel" for the purposes of screening and training, if a person who meets
564 the screening requirement of section. 402.305(2), Florida Statutes, is always present
565 and has the volunteer in his or her line of sight. ~~provided that the volunteer is under~~
566 ~~direct and constant supervision by persons who meet the personnel requirements of~~
567 ~~s. 402.305(2).~~ Students who observe and participate in a child care facility as a part
568 of their required coursework shall not be considered child care personnel, provided
569 such observation and participation are on an intermittent basis and the students are
570 under direct and constant supervision of child care personnel.
571
- 572 57. 45. *Students* -- means Students who observe and participate in child care as part of
573 their required course work. These students at all times shall be under direct and
574 constant supervision of child care personnel. Students shall not be considered staff.
575
- 576 58. 46. *Substantial compliance* -- means That level of adherence to child care rules and
577 regulations which is sufficient to safeguard the health, safety and well-being of all
578 children under care. Substantial compliance is greater than minimal adherence, but
579 not to the level of absolute adherence. Where a violation or variation is identified as
580 the type which impacts, or can be reasonably expected within ninety (90) days to
581 impact, the health, safety or well-being of a child, there is no substantial compliance.
582
- 583 59. 47. *Substitute* -- means Any fully screened and trained adult engaged to provide care
584 for children in the absence of regular staff persons. This does not include
585 volunteers.
586
- 587 60. 48. *Training Coordinating Agencies* -- means Authorized contract providers,
588 designated by the Department of Children & Families, and responsible for the
589 coordination of child care personnel training at the district/regional level.
590

- 591 61. National Early Childhood Credential (NECC) - An early childhood credential,
592 pursuant to s. 402.305(3)(c), F.S. approved by the DCF and recognized by licensing
593 authorities in at least five (5) states that incorporates 120 hours of early childhood
594 instruction, 480 contact hours with children ages birth through eight (8) years and
595 includes at least two (2) methods of formal assessment. This includes the Child
596 Development Associate (CDA) credential issued by the Council for Professional
597 Recognition in Washington, DC. A list of approved and recognized NECC programs
598 may be obtained on the Department of Children and Families' website at
599 www.myflorida.com/childcare.
600
- 601 62. Training Transcript –The electronic documentation of Florida statutorily mandated
602 training and staff credential qualifications for child care personnel. Training
603 transcripts may be downloaded on the Department of Children and Families' website
604 at www.myflorida.com/childcare .
605
- 606 63. 49.– Usable space -- means Those areas available for indoor play, classrooms, work
607 area, napping space, or sleeping space. Usable space does not include areas
608 occupied by hallways, stairways, toilet facilities, bath facilities, kitchens, offices,
609 storage areas, permanent fixtures, non-movable furniture, and other areas not used
610 in normal day to day operations. Shelves or storage for toys and other materials shall
611 be considered usable space if accessible to children.
612
- 613 64. 50.– Violation – means Noncompliance with any provision of these rules or applicable
614 provisions of §§. 402.301 - 402.319, Florida Statutes, as amended or replaced.
615
- 616 65. 51.– Volunteer -- means A person who assists staff in the care, protection, and
617 supervision of children who has not met all minimum screening, training and other
618 requirements imposed on child care personnel by these rules and regulations. Unless
619 otherwise specifically provided herein, a volunteer will not be considered staff for
620 purposes of supervision and staff ratio requirements.
621
- 622 66. 52.– Weekend child care -- means Child care provided on weekends, and may
623 encompass between the hours between of 6 p.m. on Friday and 6 a.m. on Monday.

ARTICLE IV. LICENSURE PROCEDURE

A. License or certificate required.

1. It shall be unlawful for any person, firm or corporation to establish, maintain, or operate a child care facility in Palm Beach County, ~~a child care facility~~ without first obtaining a license or certificate pursuant to these rules and regulations.

(a) Certificate of Compliance Facilities:

Bona fide religiously affiliated child care programs, which comply with these minimum standards of health, safety and well-being, as specified herein, after demonstrating to the Department and the Child Care Advisory Council that said standards have been met, and after payment of applicable fees, may be given a certificate of compliance in lieu of a license.

Institutions qualifying for certificates of compliance must submit a statement of purpose and intent. It is understood that freedom of religion as expressed in the Florida and Federal constitutions shall remain inviolate. Moreover, institutions receiving certificates of compliance do so with the willingness to abide by rules relating solely to the health, safety and well-being of the children. Acceptance of a certificate of compliance shall in no way constitute a waiver of any institution's right to legally challenge any rule or regulation embodied herein.

(b) Certificate of Substantial Compliance Facilities:

Non-public schools in which certain programs are deemed by the Department as child care are subject to the provisions of these rules. Non-public school programs for children who are at least three (3) years of age, but under (5) five years of age need not be licensed provided: a) the programs in the non-public schools are operated and staffed directly by the non-public schools; b) a majority of the children enrolled in the non-public schools are five (5) years of age or older; c) there is compliance with the screening requirements for personnel pursuant to these rules; and d) the program substantially complies with these minimum child care standards. After demonstrating to the Department that substantial compliance has been met, and after payment of applicable fees, such programs may be given a certificate of substantial compliance in lieu of a license, subject to Council approval.

Where a violation or deviation from these rules is identified as the type which impacts, or can be reasonably expected within ninety (90) days to impact, the health, safety or well-being of a child, there is no substantial compliance, and a childcare license shall be required.

2. THE CHILD CARE ADVISORY COUNCIL

- (a) The Board of County Commissioners of Palm Beach County, Florida, acting in the capacity as the Child Care Facilities Board is the local licensing agency to license child care facilities in Palm Beach County. The Board has designated the Child Care Advisory Council to act on the Board's behalf for the purpose of issuance and revocation of licenses, certificates of compliance, and certificates of substantial compliance. The Department shall serve as staff to the Child Care Advisory Council.

(b) Appointment and Termination

- (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as amended, the Palm Beach Board of County Commissioners, sitting as the Child Care Facilities Board, shall appoint a Child Care Advisory Council. Members of the Child Care Advisory Council shall serve at the pleasure of

the Board of County Commissioners and may be removed without cause at any time. The Council shall be composed of seven members consisting of the following: Two members who represent and operate as a private enterprise a facility regulated hereunder; one of whom operates a family day care home or a large family child care home. One member who represents and operates a parochial facility regulated hereunder. One member who represents a consumer protection enforcement official. One member for fire protection, engineering, or technology. One member who at the time of appointment was a parent of a child in a facility regulated hereunder. One member who represents the Department of Children & Families.

(ii) The Council shall make a recommendation to the Child Care Facilities Board for removal of members shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. An exception may be made for extenuating circumstances involving serious illness. However, the exception would only allow for absence from four consecutive meetings. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Special meetings shall not be counted towards the attendance requirements.

(iii) In the event that any council member is no longer a qualified elector, or the member is convicted of a felony or an offense involving moral turpitude while in office, the Child Care Facilities Board shall terminate the appointment of the member.

(c) Officers:

At an annual organizational meeting, the Council shall elect a Chair and Vice-Chair from among the members. The term of Chair and Vice-Chair shall be one year. The Chair shall be in charge of all procedures before the Council and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Council. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all the powers of the Chair.

(d) Rules of Procedure:

(i) Quorums:

The presence of a majority of the members of the Council shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

(ii) Robert's Rules of Order:

All meetings shall be governed by Robert's Rules of Order.

(e) Meetings

(i) The location of all meetings shall be in Palm Beach County, Florida.

(ii) If a matter is postponed due to lack of a quorum, the item shall be scheduled to the next regularly scheduled meeting, unless a Special Call meeting is convened.

(iii) Special Call meetings may be called by the Chair of the Council, in writing by a majority of the members of the Council or orally by a

majority of the members of the Council at any meeting.

(iv) All meetings and public hearings shall be open to the public.

(v) All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the Council pursuant to F.S. § 286.0105, as amended or replaced.

3. 4.—The director of the Department or his/her representative is charged with the administration and financial responsibility of carrying out the duties of the Board, including, but not limited to, issuing licenses or certificates after approval and inspecting child care facilities, as required by these rules and regulations.

4. 5. License Application

Application for a child care facility license, certificate of compliance, or certificate of substantial compliance shall be made in writing on a form, and containing such information, as prescribed by the Department. The application for licensure is not complete until all required information and supportive documentation are submitted to the department.

All applications for new facilities, change of ownership, addition of service, change in use or increase in capacity of facilities must be submitted to the Department for review prior to licensure or issuance of applicable certificate. Applications, with the required substantiating documentation, must be submitted to the Department at least ~~two (2)~~ three (3) weeks prior to the scheduled monthly meeting of the Palm Beach County Child Care Advisory Council. An application for change of ownership means an application for licensure or certificate on a currently approved facility from any person or persons, including corporations and other distinct entities, other than the current license holder or certificate holder.

Applications for certificate of substantial compliance shall likewise be submitted to the Department with substantiating documentation for review and approval prior to the Department's issuance of said certificate. In lieu of an application form, applicants for certificate of substantial compliance shall submit a completed non-public school & preschool program information form.

In the case of corporate ownership, a change of ownership shall include each time the stock ownership is changed so as to effectively put the child care facility under new management or control, as evidenced by a change in corporate officers, corporate directors and/or facility directors. A change of ownership does not occur within the meaning of this rule if the existing corporate entity, with or without the execution of a Name Change Amendment, makes no changes which effectively place the child care facility under new management or control, as set forth above, and the child care facility has no record of adjudicated Class 1 Violations, and is not currently under a Corrective Action Plan.

The following documentation must accompany the completed applications or completed non-public school & preschool program information forms (Substantial Compliance Application Forms):

a) ~~A copy of a current satisfactory inspection report made by the Department.~~
A satisfactory facility inspection report documenting that the facility is in compliance with all applicable child care licensing standards.

b) A letter from a physician stating that the applicant is physically qualified to care for children and free of tuberculosis as indicated by an approved TB risk

assessment and/or skin test or chest X-ray administered within the preceding six (6) months.

c) Proof of ownership of the real property. A copy of the recorded property deed or a current tax bill will serve as proof of ownership and a lease agreement or management agreement (if applicable).

d) A copy of the Certificate of liability insurance. The certificate holder is to be the Department.

e) A copy of the Certificate of insurance evidencing the required coverage for worker's compensation, or a notarized affidavit attesting that worker's compensation insurance is not applicable. The certificate holder is to be the Department.

f) Notarized statements attesting to good moral character of the owner and, if not the same person, of the operator.

g) Proof of Level 2 screening clearance.

~~g) Evidence of having submitted a signed consent form for local criminal record check for owner and operator of facility.~~

~~h) Notarized statement attesting that fingerprint cards and information caretaker background screening form have been submitted for owner and operator.~~

h) ~~i) Supplement to application. Statement attesting to non-disciplinary action for owner and operator. Evidence of completion by the owner and operator of the pre-licensing workshop conducted by the Department.~~

i) ~~j) Supplement to application. Two~~Five-year employment history and listing the name, address and phone number of the three (3) persons submitting character references.

j) ~~k). Three (3) letters of character references, two (2) must be non-unrelated to the applicant.~~

k) ~~h) Two sets each of facility~~ floor plans and site plans that have been reviewed and approved by the Department.

All new establishments shall submit two (2) sets of current permitted construction plans of the total facility indicating exits, windows and essential equipment with the application to operate a child care facility. Two (2) sets of the site plan must be submitted showing location of the building thereon, and accurately depicting all relevant site features. The site plan must be the most current site plan approved by the local zoning authority.

Before any alterations or modifications to an existing facility may be made, plans must be submitted to the Department showing the existing configuration and proposed changes. Scale on all drawings shall not be less than 1/8 inch = 1 foot. The plans must contain front, side and rear elevations. All plans must be of professional quality. For change of ownership of existing facilities, two (2) sets each of a current floor plan and site plan must be submitted with the application.

Any existing facility providing a new or relocated service including a change of ownership, must comply with the Palm Beach County Rules and Regulations

Governing Child Care Facilities in effect at the time the proposal is submitted to the licensing agency.

- l) A satisfactory fire inspection report for the proposed child care facility.
- m) If applicable, a current corporate status sheet issued by the Florida Department of State.
- n) Fictitious name documentation.
- o) Verification of current Director Credential for facility operator/director for applicants for child care facility license or certificate of compliance.
- p) Verification of approval from applicable Building, Fire, and Zoning Departments as evidenced by respective sign-offs on the application form.
- q) Proof of compliance with mandatory radon testing and reporting requirements.

5. Any material false statements contained in said application or non-public school preschool information form shall be grounds for denial or revocation of the license, or certificate of compliance, or certificate of substantial compliance.

6. The application or non-public school preschool information form must be completed and signed by the owner, prospective owner, or designated representative of the owner or prospective owner if the owner is a partnership, association or corporation. Within thirty (30) days after receipt of the application, the Department or Council shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information needed to complete the application. The term "applicant" shall mean the individual applicant if the applicant is an individual, or the designated representative if the applicant is a partnership, association, or corporation.

If the applicant is a partnership, the application shall contain the name and address of every partner thereof. If the applicant is a corporation, firm, or association, the application shall contain its name and address, and the names and addresses of the members of the board of directors, officers, and its registered agent.

The application and supporting documentation must be complete, truthful and correct. Falsification or significant omission of applicant information is grounds for denial to operate a child care facility and for the imposition of penalties as stated in Florida Statutes, § 402.319, as amended or replaced.

Whenever a licensed facility or a certificate of compliance facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner, shall make application to the Board via the Child Care Advisory Council through the Department for a new license or applicable certificate, pursuant to Article IV (A) (5) herein, at least forty-five (45) days prior to the date of requested approval. A new owner must receive a license or certificate prior to the time a new owner assumes responsibility for the facility. The Board, via the Council, shall grant or deny the reapplication for licensure or certificate of compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new license is subject to penalties in accordance with Florida Statutes, § 402.312, as amended or replaced, and Sections 10 and 11, Chapter ~~77-620~~ 2010-249, Special Acts, Laws of Florida, as amended or replaced. The present license or certificate holder will continue to be held responsible for the facility until the Board, via the Department, has issued the new license or certificate of compliance.

Whenever a certificate of substantial compliance facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner shall make application through the Department for a new certificate of substantial compliance, pursuant to Article IV (A) (5) herein, at least forty-five (45) days prior to the date of requested approval. A new owner must receive a certificate prior to the time a new owner assumes responsibility for the facility. The Department shall grant or deny the reapplication for certificate of substantial compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new certificate shall be deemed failure to substantially comply with these rules and is subject to Sections 10 and 11, Chapter ~~77-620~~ 2010-249, Special Acts, Laws of Florida and Article XXI herein. The present certificate holder will continue to be held responsible for the facility until the Department has issued the new certificate of substantial compliance.

Whenever the operator of a facility changes, the Department must be notified in writing prior to or at the time of the change.

In addition, no less than one week prior to a transfer of ownership of a child care facility, certificate of compliance facility, substantial compliance facility or child care facility for mildly ill children, the parent or legal guardian of each child shall be notified in writing by the facility owner of the impending transfer. Such notice may be in the form of information incorporated into an existing newsletter, or individual letters or fliers, or be posted conspicuously at the facility.

7. After having determined that minimum standards are met and the applicant otherwise meets the requirements for licensure or issuance of an applicable certificate, the Council shall approve the application and direct the Department to issue a license or certificate upon payment of any required fees. In order to assure that the minimum requirements of these rules are met, the Council may impose appropriate conditions on the grant of the license or certificate of compliance which conditions shall not be inconsistent with the provisions of these rules and regulations. Should the Council determine, or lack sufficient information to determine, that minimum standards have not been met, the Council shall refer the application to the Department to address concerns or deficiencies. Should compliance not be met within 30 days, the Department shall issue a written denial of the application, pursuant to Article V of these rules.

8. License Renewal

Unless revoked or surrendered, all licenses or certificates of compliance or certificates of substantial compliance shall expire December 31st of each year. All applications for renewal for the following calendar year must be completed and filed with the Department no later than November 1st of the current year. Applications not timely filed may cause delay in licensure or issuance of certificate beyond the date of expiration and subject the licensee or certificate holder to penalties for violation of Article IV(A)(1) of these rules. The application for licensure is not complete until all required information and supportive documentation are submitted to the department.

9. The following documents must accompany the renewal application form:

- a. Completed Release of Information for local screening of ~~for~~ applicant, owner, and operator.
- b. Fees for local screening of applicant, owner, and operator. ~~Completed release of information for all staff and volunteers shall be submitted to the Palm Beach County Sheriff's Office for local clearance, and the dispositions received and documented by the facility on forms provided by the Department. This documentation shall be submitted to the Department along with the renewal~~

- 975 application. Any staff screened within the previous three (3) months need not
976 submit the annual release of information;
- 977 c. An affidavit attesting that all child care personnel have been screened. Names
978 of all employees are to must be included on the affidavit; Child Care Facility
979 Current Personnel List Affidavit. This document must show the date local
980 screening was conducted and clearance to continue working in the child care
981 facility was verified for each current employee and volunteer. To satisfy this
982 requirement, the annual local screening (local arrest history check) by Palm
983 Beach County Sheriff's Office must be conducted after July 31 of the current
984 year.
- 985
- 986 d. A copy of the satisfactory current annual fire inspection report;
- 987
- 988 e. A copy of the Certificate of Insurance for the child care facility. The certificate
989 holder is to be the Department;
- 990
- 991 ~~f. A copy of the Certificate of insurance evidencing the required coverage for~~
992 ~~workers compensation, or a notarized affidavit attesting that such insurance is~~
993 ~~not applicable. The certificate holder is to be the Department.~~
- 994
- 995 ~~f.~~ g. If the applicant is a corporation, a current corporate status sheet issued by
996 the Florida Department of State.
- 997
- 998 ~~g.~~ h. Revised fictitious name documentation reflecting any additions or changes.
- 999
- 1000 ~~h.~~ i. Proof of ownership of the real property, demonstrating whether there has
1001 been any change in status or revision or renewal of any lease or management
1002 agreement currently on file with the Department or a signed statement from the
1003 owner attesting that there has been no material change in the ownership, lease
1004 or management agreement since the issuance of the last license.
- 1005
- 1006 ~~i.~~ j. Verification of a current Director Credential for the facility operator/director for
1007 applicants for a child care facility license or certificate of compliance.
- 1008
- 1009 10. Any false statements, information, or material omissions contained in the renewal
1010 application may be grounds for denial or revocation. All licenses or applicable
1011 certificates shall be issued only upon submission of completed renewal application
1012 documentation, payment of required fees, and completion of current satisfactory
1013 inspection of the facility by the Department.
- 1014
- 1015 11. Failure to submit a complete Application for a License to Operate a Child Care Facility
1016 for renewal of an annual license at least 45 days prior to the expiration date of the
1017 current license constitutes a licensing violation. The department shall issue an Notice
1018 of Administrative Action imposing a fine of \$100.00 for the first occurrence, \$200.00 for
1019 the second occurrence, and \$300.00 for each subsequent occurrence within a five
1020 year period.
- 1021
- 1022 12.9. A license or applicable certificate may not be transferred or assigned and shall be
1023 void when ownership or possession of the child care operation changes. A license or
1024 applicable certificate shall be valid for no premises other than those for which it was
1025 originally issued.
- 1026
- 1027 The license or applicable certificate shall remain the property of the Child Care
1028 Facilities Board and shall be returned to the Department if void before the expiration
1029 date printed thereon. Upon approval of change of ownership, the previously approved
1030 license or certificate shall be deemed null and void, subject to payment of applicable
1031 fees and the satisfaction, by the applicant, of any conditions set forth by the Child Care
1032 Advisory Council in accordance with Article IV (A)(7) herein.

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13. ~~10~~ Upon issuance, said license or certificate shall be displayed in a conspicuous place inside the child care facility. The face of the license or certificate shall require the license or certificate holder to comply with these rules. The licensed or allowable capacity of the childcare facility shall be designated on the face of the license or certificate as well as the maximum number of infants that may be cared for at any ~~one~~ (~~±~~) time. At no time ~~may~~ shall a child care facility exceed the capacity approved by the licensing agency. No error or miscalculation leading to an overestimation of the approved capacity shall be deemed to create any right in the continuation of the overestimated number. The Department may amend the designated capacity on a license or certificate to correct any errors or reflect any changes it discovers.
14. ~~11~~-A license, certificate of compliance or certificate of substantial compliance shall not be issued or renewed nor shall a change of ownership be approved if the applicant, licensee or certificate holder has an outstanding unpaid fine assessed for violation of these rules and regulations. In the case of an application for change of ownership for an existing child care facility having an outstanding fine, the outstanding fine shall be paid before a license or certificate is issued. For the purposes of these rules, outstanding fines refers to civil penalties assessed by the Environmental Control Hearing Board, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced, and in accordance with Article XXI of these rules.
15. ~~12~~-A child care facility license or certificate shall be issued in the name of the owner, partnership, association, or corporation.
16. If for any reason the child care facility is operating without the required annual license or certificate, the owner or operator shall post notice in a conspicuous place in the facility informing customers and visitors that the facility is operating without the required license/certificate. The notice shall be posted on the day the facility starts operating without the regular annual license/certificate, and shall not be removed until the facility receives and posts the required annual license/certificate. A regular license/certificate does not include provisional or probationary licenses.
17. All prospective owners or operators of a child care facility shall attend a pre-licensing workshop conducted by the Department prior to the application being presented to the Child Care Advisory Council for approval. A new operator or director, who assumes responsibility for a facility that is already licensed or certified, shall attend this workshop within six months of being named director of the child care facility. Other directors and credentialed staff members also may attend the licensing workshop for required in-service training hours, or as part of a corrective action for non-compliance.
- The pre-licensing workshop will cover subjects critical to the effective operation of the facility such as background screening, personnel training, records management, license renewal, transportation requirements, food service requirements, and general safety requirements.
- B. Minimum standards for the issuance of licenses & certificates**
- Standards established by these rules and regulations shall meet or exceed state child care standards set forth in Chapter 402, Florida Statutes, as amended, or replaced, and Florida Administrative Code provisions established pursuant to Florida Statutes, § 402.305, as amended or replaced, which standards are expressly incorporated herein by reference. In the event of a conflict between these rules and state child care standards, the more stringent shall apply.
 - No 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 notice published in a

- 1091 newspaper of general circulation in Palm Beach County at least ten (10) days prior to
1092 the hearing.
- 1093
- 1094 3. When approved by the Board and filed with the Clerk of the Board of County
1095 Commissioners, such rules and regulations have the force and effect of law.
- 1096
- 1097 4. To insure that accurate statistical data is available, the Department shall report
1098 annually to the Department of Children and Families the number of family day and
1099 child care facilities under the jurisdiction of the Child Care Facilities Board, the
1100 number and age range of children served, and the number of revocations and denials
1101 of licenses during the previous year.
- 1102
- 1103 5. Insurance requirements.
- 1104
- 1105 a) At time of licensure or certification, and before providing any child care services,
1106 the owner or operator of a child care facility shall have obtained a
1107 comprehensive general liability policy in the minimum amount of no less than
1108 one hundred thousand dollars (\$100,000.00) as a continued single limit for
1109 bodily injury and property damage. The facility must provide the Department
1110 with a certificate of insurance evidencing the required coverage. The facility
1111 shall be required to give the local licensing agency thirty (30) days notice prior
1112 to cancellation of the policy.
- 1113
- 1114 b) The facility shall continuously maintain no less than the minimum required
1115 insurance. Failure to maintain the minimum dollar amount of the insurance
1116 required herein shall be a violation of these rules subject to such penalties as
1117 are provided by law, resolution or ordinance for the violation of these rules. In
1118 addition, failure to maintain the minimum dollar amount of insurance shall
1119 constitute a basis for revocation of license subject to the procedures set forth in
1120 Article V of these rules.
- 1121
- 1122 c) All child care facilities shall comply with the Florida Worker's Compensation
1123 Laws. The facility must provide the Department with a certificate of insurance
1124 evidencing the required coverage, or a notarized statement attesting that
1125 worker's compensation insurance is not applicable. The facility shall be required
1126 to give the local licensing agency thirty (30) days notice prior to cancellation of
1127 the policy.
- 1128
- 1129 **C. Provisional License**
- 1130 1) The Department may issue a provisional license or certificate for a child
1131 care facility to applicants requesting an initial license or certificate, or
1132 renewal of an existing license or certificate, and who are unable to meet all
1133 the standards provided for in these rules and regulations.
- 1134 2) The Department, upon approval of the Child Care Advisory Council, may
1135 issue a provisional license or certificate allowing a facility to operate for a
1136 designated period of time while working to comply with one or more
1137 licensing standards, provided the owner is making adequate provisions to
1138 ensure the health and safety of the children in care. A provisional license is
1139 not a disciplinary sanction.
- 1140 3) A provisional license or certificate shall not be issued unless the operator
1141 or owner makes adequate provisions for the health and safety of the
1142 children. A provisional license or certificate shall not be issued unless the
1143 child care facility is in compliance with the requirements for screening of
1144 child care personnel, substitutes, or volunteers.
- 1145 (4) A provisional license or certificate shall not be issued for a period that
1146 exceeds 6 months; however, under unusual circumstances beyond the

1147 control of the applicant, it may be renewed one time for a period that may
1148 not exceed 6 months

1149 (5) The Department may issue a provisional license for a period not to exceed 6
1150 months for a facility without a credentialed director.

1151 (6) A provisional license or certificate may be suspended or revoked if
1152 periodic inspections or review by the department indicates that insufficient
1153 progress has been made toward compliance.

1154

1155 **D. Probationary License**

1156 1. A probationary license indicates that the annual license is in jeopardy
1157 of being revoked or not renewed due to violations of licensing
1158 standards, and in keeping with the Department's progressive
1159 enforcement matrix (incorporated by reference). A probationary
1160 license or certificate shall not be issued as an initial license or
1161 certificate for a new facility.

1162

1163 2. A probationary status license or certificate is used as a disciplinary
1164 sanction for repeated noncompliance with licensing requirements. A
1165 probationary status license that is issued due to non-compliance within
1166 the provider's control is valid for up to six months. A probationary
1167 status license issued for this reason may not be renewed.

1168

1169 3. A probationary status license issued for non-compliance may be
1170 suspended or revoked if monthly inspections by the Department find
1171 that the provider is not in compliance with the terms of the corrective
1172 action plan, or that the provider is not making sufficient progress
1173 toward compliance with the licensing requirements.

1174

1175 4. Probation requires the licensee to comply with specific conditions
1176 intended to ensure that the licensee comes into and maintains
1177 compliance with licensing standards. Examples of such conditions are:
1178 a deadline to remedy an existing violation, a specified period during
1179 which compliance with licensing standards must be strictly maintained;
1180 and specified conditions under which the facility must operate during
1181 the probationary period.

1182

1183 5. A probationary license or certificate may be granted only by the Child
1184 Care Advisory Council on the recommendation of the Department, to
1185 satisfy the remedy prescribed in the Department's child care licensing
1186 enforcement procedures, or as an alternative to revocation of a license
1187 or certificate or denial of an application for renewal of an annual
1188 license or certificate.

1189

1190 **E. ~~G.~~ Advertisements.**

1191

1192 1. It shall be a violation of these rules for any person or entity to advertise or otherwise
1193 offer child care services without first obtaining a valid license, certificate of
1194 compliance or certificate of substantial compliance.

1195

1196 2. Any person advertising a child care facility to the public in any way or by any medium
1197 whatsoever, by printed notice or broadcast, must include in the advertisement the
1198 facility's local agency license number or certificate number. This requirement
1199 includes, but is not limited to, advertisements in the yellow pages of the telephone
1200 directories, community bulletin boards, fliers, pamphlets, classified ads, signs, radio,
1201 television, electronic media, and other advertising media. This requirement does not
1202 apply to classified ads for employment purposes, or construction signs that merely
1203 indicate the type of facility being built and include no contact information or customer
1204 solicitation.
1205

1206 **F. D. Fees.**

1207 No license or certificate authorizing a person or entity to operate a child care facility in
1208 Palm Beach County, pursuant to Chapter 59-1698, Laws of Florida, as amended, shall
1209 be issued until such person or entity has paid a fee according to the fee schedule
1210 below:
1211

1212 1. Child Care Facility. For operation of a child care facility with a licensed or approved
1213 capacity ~~from six (6) to of~~ twenty-five (25) children or less, the annual license or
1214 certificate fee shall be equal to forty one hundred and fifty dollars (150.00)
1215 ~~(\$40.00), plus three dollars (\$3.00) for each child allowed to attend the facility in~~
1216 ~~excess of six (6) children as authorized by the facility's licensed or approved~~
1217 ~~capacity.~~ For operation of a child care facility with a licensed or approved capacity
1218 greater than twenty-five (25) children, the annual license or certificate fee shall be
1219 equal to one hundred and fifty dollars (\$150.00), plus three four dollars (\$3 4.00)
1220 for each child allowed to attend the facility in excess of twenty-five (25) children
1221 as authorized by the facility's licensed or approved capacity. "Licensed" or
1222 "approved capacity" is indicated on the license or applicable certificate and refers
1223 to the maximum number of children that may lawfully be cared for by a facility at
1224 any one time.
1225

1226 2. Prorated Fees for Mid-year Licensure. Child care facilities obtaining a license after
1227 the beginning of the calendar year, and child care facilities seeking to increase
1228 licensed capacity, shall be required to pay a prorated fee as follows:
1229

For licenses/certificates issued:	License/certificate	fee	required:
Jan.1 through Mar. 31	100%	of required	annual fee
Apr. 1 through Jun. 30	75%	of required	annual fee
Jul. 1 through Sept. 30	50%	of required	annual fee
Oct. 1 through Dec. 31	25%	of required	annual fee

1241 3. Change of Ownership Fee: Child care facilities obtaining a change in ownership
1242 shall be required to pay an administrative fee of ~~twenty-five~~ fifty dollars
1243 (\$250.00), in addition to the applicable license or certificate fee.
1244

1245 4. Authority to collect fees. The Department is authorized to collect the fees
1246 imposed herein and apply said fees to cover its costs associated with inspection,
1247 certification, and licensing under Chapter 59-1698, Special Acts, Laws of Florida,
1248 as amended.
1249

ARTICLE V
HEARINGS PROVIDED, DENIAL OR REVOCATION OF LICENSE OR
CERTIFICATE

A. Exclusion From Owning, Operating, Or Being Employed By A Child Care Facility Or Other Child Care Program:

(1) Ownership and operation of a child care facility, or employment by a child care facility may be excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or replaced.

(2) (1) Where the Department is aware of a history of enforcement or disciplinary action involving an applicant, owner or operator while being the owner, operator, or employee of a child care facility or family day care facility, the Department shall notify the applicant, owner, or operator, in writing, that such history could be grounds for denial or revocation of a child care facility license or certificate. Pursuant to Article VII (MG)(1) herein, the Department shall refer the following to the Child Care Advisory Council to make determination as to the exclusion from owning or operating a child care facility in Palm Beach County and the denial or revocation of such license or certificate:

- (a) The applicant, owner, or operator being a party to of a child care facility or family day care facility whose license or certificate being had been denied, revoked or suspended in any state or jurisdiction, or
- (b) The applicant, owner, or operator has been the subject of disciplinary action or had been fined while being the owner, operator, or employee of a child care facility or family day care facility in any state or jurisdiction.
- (c) Should the Council's initial determination be that there are possible grounds for denial or revocation, the Council shall direct the Department to issue a notice of intent to deny or revoke in accordance with Article V herein.

B. Intent to Deny or Revoke a License or Certificate

The Department shall deny, suspend, or revoke a license or certificate, or pursue other remedies including, but not limited to, the implementation of a corrective action plan and enforcement action as set forth in Article XXI herein, in addition to or in lieu of denial, suspension, or revocation for failure to comply with the standards herein.

- 1. When the Director of the Department has reasonable cause to believe that grounds for denial or revocation of a license or certificate exists, or when the Council has directed the issuance of a notice of intent to deny or revoke, the Director shall notify the applicant or licensee in writing, stating the grounds upon which the license or certificate is being denied or revoked.
- 2. If the applicant or licensee makes no written request for a hearing to the Child Care Advisory Council within fifteen (15) days from receipt of such notice, the license or certificate shall be deemed denied or revoked as the case may be.

C. Denial or Revocation Hearings

- 1. Such hearings are not granted pursuant to Florida Statute, Chapter 120, but are granted pursuant to Special Acts, Laws of Florida, Chapter 59-1698, as amended.
- 2. (1) Time for Hearing
If a request for a hearing is made to the Child Care Advisory Council, a hearing shall be held within sixty (60) days and shall be conducted by the

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Child Care Advisory Council. Either party may be granted a one-time continuance of no more than thirty (30) days.

3. ~~(2)~~ Hearing Procedures

All testimony shall be under oath and shall be recorded. Formal Rules of Evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

4. ~~(3)~~ The Department shall provide personnel to act as Clerk to the Child Care Advisory Council for the purpose of the hearings and retention of the record.

5. ~~D.~~ The Council shall issue its written order within fifteen (15) days of said hearing, stating that the license or certification is denied, issued, revoked or retained as the case may be. Said order shall be sent to the applicant, licensee, or certificate holder by registered or certified mail return receipt requested. The Child Care Advisory Council's written order shall be considered final agency action.

6. ~~E.~~ Within 30 days after the Child Care Advisory Council issues its written order, any person whose substantial interests have been determined by the Council's decision shall have the right to seek review of said order by petitioning the Circuit Court in and for Palm Beach County for a *writ of certiorari*.

ARTICLE VI. STAFF QUALIFICATIONS PERSONNEL TRAINING

Child care personnel training requirements and policies contained in section 65C-22.003, FAC and section 65C-22.008, FAC, and not covered below are hereby incorporated by reference.

A. Minimum age requirements.

1. ~~Operator/Director~~ The operator/director of a child care facility must be at least twenty one (21) years of age. In the absence of the operator/director, there must be a person at least twenty one (21) years of age in charge of the facility and on the premises at all times and must be so designated in writing by the operator/director. This written designation shall be conspicuously posted. The operator shall be responsible for the supervision of all staff and volunteers. In the absence of the operator/director, the designated person in charge shall be responsible for the overall on-site supervision of staff, and shall be fully aware of matters pertaining to children's records, staff records and routine facility operation. Such person shall also be capable of responding to queries from parents or representatives of the licensing agency.
2. ~~Staff~~ Other staff must be at least eighteen (18) years of age. Exception: Person(s) who have completed the requirements for the vocational education programs titled "Child Care Assisting" may be employed in child care facilities in Palm Beach County at seventeen (17) years of age. Operators must retain a copy of the student's proof of completion on file for the Department's examination. These persons can be counted for the purposes of computing the personnel to child ratio as long as they are under the direct supervision of child care personnel eighteen (18) years or older.
3. ~~Substitutes~~ A substitute is staff of a child care facility and must be at least eighteen (18) years of age. A substitute may be seventeen years of age provided such person has completed the requirements for the vocational education programs titled "Child Care Assisting". Operators must retain a copy of the student's proof of completion on file for the Department's review.
4. ~~Volunteers~~ All volunteers must be at least twelve (12) years of age and be under the direct supervision of child care personnel eighteen (18) years or older.

B. Training.

A. 1. Child abuse and neglect training

1. a) All operators, employees, volunteers and students shall have a statement on file at the child care facility that they have read or have had read to them and understand the contents of the pamphlet "Child Abuse and Neglect in Florida, A Guide for Professionals," CF- PI 175-17. This statement must be on file at the child care facility within three (3) days of employment.

2. b) The pamphlet "Child Abuse and Neglect in Florida, A Guide for Professionals", shall be provided by the Department for this purpose.

B. 2-Forty-hour introductory child care training:

a. All child care personnel, except volunteers and substitutes who work intermittently less than forty (40) hours a month, must complete the Department of Children and Families approved 40 clock-hour introductory course in child care. Child care personnel who previously completed the thirty (30) clock-hour introductory child care course, need only complete the additional ten (10) clock-hour module covering developmental behavior assessment for a total of forty (40) hours. The courses are to be provided by qualified trainers and approved by the Training Coordinating Agency. Successful completion of the forty (40) hour

training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. ~~Child care personnel who have completed the mandatory forty (40) hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.~~

1. Child care personnel must successfully complete the Florida Department of Children and Families (DCF) 40-hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the department or its designated representative with a weighted score of 70 or better. Child care personnel who successfully completed the mandatory 40 hour Introductory Child Care Training prior to January 1, 2004 are not required to fulfill the competency examination requirement.

2. All child care personnel must begin training within 90 days of employment and successfully complete training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of initial employment in the child care industry in any child care facility.

"Begin training for child care personnel" refers to a candidate's commencement of at least one of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a DCF-approved training course, acquiring an educational exemption from a DCF-approved training course, beginning a DCF-approved online child care training course, or by receiving results from a DCF-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida child care facility. The child care facility is responsible for obtaining documentation from child care personnel. The begin date for training is the initial date an individual commences training in the child care industry.

Documentation of child care personnel's training initiation date must be completed on the employee application and included in the personnel record.

3. ~~The forty (40) hour training shall cover the topic areas set forth below. The 40-hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training that consists of training courses developed by DCF, identified below:~~

1. ~~Part I is comprised of thirty (30) hours and covers the following:~~

- a. Child Care Facility Rules and Regulations; State and Local Rules and Regulations which govern child care.
- b. Health, Safety and Nutrition.
- c. Identifying and Reporting Child Abuse and Neglect.
- d. Child Growth and Development; and

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e. Behavioral Observation and Screening.

2. Part II is comprised of ten (10) hours of training that consists of a selection from the following DCF specialized training courses; and shall include any one (1) of the specialized Department of Children and Families modules identified below:

- f. ~~a.~~ Infant and Toddler Appropriate Practices (10 hours) ~~{ten (10) hours};~~;
- g. ~~b.~~ Preschool Appropriate Practices (10 hours) ~~{ten (10) hours};~~;
- h. ~~c.~~ School-Age Appropriate Practices (10 hours) ~~{ten (10) hours};~~;
- i. ~~d.~~ Special Needs Appropriate Practices (10 hours) ~~{ten (10) hours};~~;
- j. ~~e.~~ Basic Guidance & Discipline (5 hours online); ~~{five (5) hours, web based};~~;
- k. ~~f.~~ Early Literacy for Children Age Birth to Three (5 hours online) ~~Computer Technology for Child Care Professionals {ten (10) hours, web based}; and;~~
- l. Early Childhood Computer Learning Centers (5 hours online), Early Literacy in the Child Care Environment {five (5) hours, web-based}.
- m. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

~~b) All employees have ninety (90) days from the date of employment to begin training to meet the required forty (40) hour training. "Begin training" means to commence coursework or complete a competency examination for one of the statutorily mandated training modules. The begin date for training is the initial date an individual commences training in the child care field.~~

~~c) The Department of Children and Families approved forty (40) hour training shall be completed within one (1) year from the date on which training began. Documentation of child care personnel's training initiation date must be completed on the employee application and included in the personnel record. A copy of the Department of Children and Families pre-numbered child care training certificate(s) must be included in each child care personnel's record upon completion of the training.~~

Training certificates are issued or training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Training Coordinating Agency.

1. Documentation of Training: Training successfully completed after July 1, 2004, will be documented on the child care training transcript only. Training completed prior to July 1, 2004, may be documented either on the child care training transcript or on CF-FSP 5267.

2. A copy of the certificate or training transcript must be included in the child care personnel record and maintained at each facility.

Child care personnel who have successfully completed the job preparatory course titled, "Child Care Assisting" offered through the Department of

1508 Vocational Education, or who have obtained a certificate or diploma from an
 1509 approved accredited educational institution certifying successful completion
 1510 of a course program in child care may be given credit towards the forty (40)-
 1511 clock hour training based on assessment made by the Training Coordinating
 1512 Agency.
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 1514 d) ~~The coordination of the Department of Children and forty (40) hour training~~
 1515 ~~courses must be provided through central agencies or other designated~~
 1516 ~~agencies approved by the Department of Children and Families.~~
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 1518 e) ~~The child care operator shall be required to take basic training in serving~~
 1519 ~~children with disabilities within five (5) years after employment, either as a part~~
 1520 ~~of the introductory training or the annual ten (10) hours of in-service training.~~
 1521
 1522 3. 4. Exemptions from the Introductory Child Care Training.
 1523 a. Child care personnel in compliance with the school-age
 1524 requirements in paragraph 65C-22.008(4)(c), F.A.C., shall be
 1525 considered in compliance with the child care personnel training
 1526 requirements.
 1527 b. Child care personnel who left the child care industry in
 1528 compliance with training requirements, upon returning, shall be
 1529 granted 90 days to comply with any new mandated training
 1530 requirements. Completion of such training may be counted
 1531 toward the in-service training requirement.
 1532 c. Child care personnel who left the child care industry not in
 1533 compliance with training requirements must complete required
 1534 training prior to re-employment.
 1535 d. Child care personnel employed at the same child care facility
 1536 prior to October 1, 1992, with no break in employment with the
 1537 same employer, are exempt from completing Part II of the child
 1538 care training.
 1539
 1540 3. ~~Documentation of Training: Training successfully completed after July 1,~~
 1541 ~~2004, will be documented on the child care training transcript only. Training~~
 1542 ~~completed prior to July 1, 2004, may be documented either on the child care~~
 1543 ~~training transcript or on CF-FSP 5267.~~
 1544
 1545 4. ~~A copy of the certificate or training transcript must be included in the child~~
 1546 ~~care personnel record and maintained at each facility.~~
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 1548 ~~Child care personnel who have successfully completed the job preparatory~~
 1549 ~~course titled, "Child Care Assisting" offered through the Department of~~
 1550 ~~Vocational Education, or who have obtained a certificate or diploma from an~~
 1551 ~~approved accredited educational institution certifying successful completion~~
 1552 ~~of a course program in child care may be given credit towards the forty (40)-~~
 1553 ~~clock hour training based on assessment made by the Training Coordinating~~
 1554 ~~Agency.~~
 1555
 1556 e) ~~The coordination of the Department of Children and forty (40) hour training~~
 1557 ~~courses must be provided through central agencies or other designated~~
 1558 ~~agencies approved by the Department of Children and Families.~~
 1559
 1560 f) ~~The child care operator shall be required to take basic training in serving~~
 1561 ~~children with disabilities within five three (5 3) years after employment, either~~
 1562 ~~as a part of the introductory training or the annual ten (10) hours of in-service~~

1563 training.

1564

1565 Examination Exemptions:

1566 Prior to attending the training, child care personnel have one opportunity, if
1567 they choose, to exempt from any of the forty (40) hour Introductory Child Care
1568 Training modules by successfully completing competency examinations with a
1569 score of seventy (70) or better. Examination exemptions are not available for
1570 the Department of Children & Families' web-based Part II training modules.

1571

1572 Educational Exemptions:

1573

1574 (1) Training coordinating agencies shall exempt child care personnel with one (1)
1575 of the following educational qualifications, from the Health, Safety and
1576 Nutrition, Child Growth and Development and Behavioral Observation and
1577 Screening Modules:

1578

1579 i) Two (2) year degree or higher with six (6) college credit hours in
1580 early childhood/child growth and development.

1581

1582 ii) Child Development Associate credential, state approved Florida CDA
1583 Equivalency course.

1584

1585 (2) Training coordinating agencies shall exempt child care personnel with a B.A.,
1586 B.S. or advanced degree in Early Childhood Education or Preschool Education
1587 from the Infant and Toddler Appropriate Practices module and Preschool
1588 Appropriate Practices module.

1589

1590 (3) Training coordinating agencies shall exempt child care personnel with a B.A.,
1591 B.S. or advanced degree in Elementary Education from the School Age
1592 Appropriate Practices module.

1593

1594 (4) Training coordinating agencies shall exempt child care personnel with a B.A.,
1595 B.S. or advanced degree in Exceptional Student Education from the Special
1596 Needs Appropriate Practices module.

1597

1598 **4 C. Early Literacy & Language Development**

1599

- 1600 1. All child care personnel, employed on or before December 31, 2004 shall
1601 complete a single course of training in early literacy and language
1602 development of children ages birth through five years. The course shall be a
1603 minimum of five clock hours or 0.5 CEUs. However, school age child care
1604 personnel meeting the requirements of 65C-22.008(4) are exempted from this
1605 requirement. ~~five (5) clock hours or point five (0.5) documented continuing~~
1606 ~~education unit (CEU) of training in early literacy and language development of~~
1607 ~~children from birth to five (5) years of age, as documented on the certificate~~
1608 ~~of course completion, classroom transcript, or diploma, by June 30, 2005. All~~
1609 ~~child care personnel hired on or after January 1, 2005, shall complete this~~
1610 ~~training within twelve (12) months of date of employment in the child care~~
1611 ~~industry. In order to meet this requirement, child care personnel must~~
1612 ~~complete a single class or course that is no less than five (5) hours in~~
1613 ~~duration. Literacy training that was taken within the past five (5) years will be~~
1614 ~~accepted if it meets all the required components stated above. It is the~~
1615 ~~responsibility of the individual to provide documentation to the licensing~~
1616 ~~counselor, to demonstrate that the training is a single class or course that is~~
1617 ~~no less than five (5) hours in duration and covers early literacy and language~~
1618 ~~development of children from birth to five (5) years of age.~~
1619 2. All Child care personnel must complete early literacy training within 12 months
1620 of the date of employment in the child care industry. Proof of completion must
1621 be documented on the certificate of course completion, classroom transcript,

- 1622 or diploma. In order to meet the literacy training requirement, child care
1623 personnel must complete one of the following:
- 1624 a. One of the DCF online literacy courses available on the
1625 department's website at www.myflorida.com/childcare; or
- 1626 b. One of the DCF-approved literacy training courses. A list of these
1627 courses may be obtained from the DCF website at
1628 www.myflorida.com/childcare. (No additional courses will be
1629 approved by DCF); or
- 1630 c. One college level early literacy course (for credit or non-credit) if
1631 taken within the last five years.

1632
1633 **D. Documentation of Training.**

- 1634
- 1635 1. Effective October 1, 2010, the DCF department's Training Transcript
1636 will be the only acceptable verification of successful completion of the
1637 department's training programs approved by DCF. Training completion
1638 documented on CF-FSP Form 5267, March 2009, Child Care Training
1639 Course Completion Certificate, which is incorporated by reference, will
1640 no longer be accepted by the department after October 1, 2010, nor
1641 will any previous version of the form. Form CF-FSP 5267 is provided to
1642 participants upon completion of a DCF-approved training course. A
1643 copy of the department's DCF Training Transcript may be obtained
1644 from the DCF website at www.myflorida.com/childcare.
- 1645 2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training
1646 Transcript must be included in each staff member's child care
1647 personnel record and maintained at each child care facility.
- 1648 3. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training
1649 Transcript for the director of a child care facility must be included in
1650 the department's official licensing file.
- 1651 4. Training documented on CF-FSP Form 5267 that is not included on an
1652 individual's Training Transcript must be sent to DCF or designated
1653 representative prior to October 1, 2010, to be documented on the
1654 individual's Training Transcript.
- 1655 5. As of October 1, 2010, any course completion certificate not
1656 documented on the Training Transcript will may be considered invalid,
1657 requiring that the course(s) be retaken. Until the coursework is
1658 retaken and completed, child care facilities will may be out of
1659 compliance with the mandated training standard.

1660
1661 **E. 5-Director Credential**

- 1662
- 1663 1. Every child care facility director must have an active Director Credential.
1664 A Director Credential renewal, as documented on CF-FSP Form 5252, Florida
1665 Director Credential Certificate is active for five years from the date of issuance.
1666 which consists of the foundational level or the advanced level.

1667

1668 ~~Every applicant for a license or certificate of compliance to operate a child care~~
1669 ~~facility or a license or certificate of compliance for a change of ownership of a~~
1670 ~~child care facility, must document that the facility director has a Director~~
1671 ~~Credential, prior to issuance of the license or certificate of compliance to operate~~
1672 ~~the facility.~~

1673

1674 ~~Each child care facility must have a credentialed director who is on-site~~

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~~a majority of hours, excluding weekends and evening hours that the facility is in operation. Documentation of majority of hours must be maintained and available for review by the department.~~

~~An individual may not be the director of child care facilities that has an overlap in the hours of operation. Each child care facility must have a director that is on site a majority of hours that the facility is in operation. The director credential must be posted in a conspicuous location at the facility.~~

~~(a) 2. As it relates to the Director Credential, the following exceptions apply:~~

- ~~1. A credentialed director is not required for facilities offering child care only during the evening hours as defined in Article XVI of these rules.~~
- ~~2. The Director Credential is not required for certificate of substantial compliance facilities.~~
- ~~3. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or replaced, a credentialed director holding a foundational or advanced level Florida Director Credential may supervise multiple before-school and after-school sites.~~

~~(b) The foundational level applicants must meet the following educational and experiential requirements:~~

- ~~1. High school diploma or GED; and~~
- ~~2. The Department of Children and Families' thirty (30) hour introductory child care training course (Part I); and~~
- ~~4. The Department of Children and Families' Special Needs Appropriate Practices module or a minimum of eight (8) hours of in-service training in serving children with disabilities; and~~
- ~~5. One of the following staff credentials: a Child Development Associate (CDA) Credential; state approved Florida CDA Equivalency; the Florida School Age Certification; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and~~
- ~~6. One (1) course in the curriculum content area "Overview of Child Care Center Management," which must be met by one (1) approved three (3) hour college level course, offered for credit or four point five (4.5) Continuing Education Units (CEUs) through continuing education or one (1) approved Post Secondary Adult Vocational course offered through a vocational technical institution in Florida; and~~
- ~~7. One (1) year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one (1) year experiential requirement a temporary credential, not to exceed one (1) year, will be granted.~~

~~(c) The advanced level applicants must meet the following educational and experiential requirements:~~

- ~~1. High school diploma or GED; and~~

1734 ~~2. The Department of Children and Families thirty (30) hour~~
1735 ~~introductory child care training course (Part I); and~~
1736
1737 ~~3. The Department of Children and Families' Special Needs Appropriate~~
1738 ~~Practices module, or a minimum of eight (8) hours of in-service~~
1739 ~~training or course in serving children with disabilities; and~~
1740
1741 ~~4. One (1) of the following staff credentials: a Child Development~~
1742 ~~Associate (CDA) Credential; a state approved Florida CDA~~
1743 ~~Equivalency; the approved Florida School Age Certification; a formal~~
1744 ~~education exemption qualification (waiver); or a documented~~
1745 ~~employment history recognition exemption; and~~
1746
1747 ~~5. Three (3) approved courses in child care education program~~
1748 ~~administration. The coursework requirement must be taken for~~
1749 ~~college credit and must be from the following curriculum areas:~~
1750 ~~Overview of Child Care Center Management, Child Care and~~
1751 ~~Education Organizational Leadership and Management, Child Care~~
1752 ~~and Education Financial and Legal Issues, Child Care and Education~~
1753 ~~Programming; and~~
1754
1755 ~~6. Two (2) years of experience on-site as a child care director. For those~~
1756 ~~candidates who have met all the educational requirements of this~~
1757 ~~level but have not completed the two (2) year experiential~~
1758 ~~requirement a temporary credential, not to exceed two (2) years, will~~
1759 ~~be granted.~~
1760
1761
1762 ~~(d) All applications and documentation will be verified and credentials issued by the~~
1763 ~~Department of Children and Families or its designated representative.~~
1764 ~~Documentation verifying the requirements set forth herein have been met shall be~~
1765 ~~submitted along with completed application to the Department of Children and~~
1766 ~~Families or its designated representative. Applications may be obtained from the~~
1767 ~~Department.~~
1768
1769 ~~(e) Exceptions:~~
1770 ~~For the foundational level, Directors who have attained another state's approved~~
1771 ~~Director Credential shall receive credit towards the "Overview of Child Care~~
1772 ~~Management" educational component of the credential. For the advanced level~~
1773 ~~credential only, an educational exception will be granted to individuals who meet~~
1774 ~~Article VI(B)(3)(c)(1, 4, & 6) of these rules and any of the following:~~
1775
1776 ~~1. An A.S. degree in child care center management, or~~
1777
1778 ~~2. An A.S., B.A., B.S. or advanced degree in early childhood education/child~~
1779 ~~development, family and consumer sciences (formerly home economics/child~~
1780 ~~development), school age child care or elementary education with at least~~
1781 ~~three (3) credit hours in child care management/administration, business~~
1782 ~~administration or educational administration, or~~
1783
1784 ~~3. A B.A., B.S. or advanced degree other than those degree areas in number 2.~~
1785 ~~above, with three (3) credit hours in early childhood/child development or~~
1786 ~~school age child care and three (3) credit hours in child care~~
1787 ~~management/administration, business administration or educational~~
1788 ~~administration, or~~
1789
1790 ~~4. Persons with more than five (5) years of administrative or director experience~~
1791 ~~in a licensed or certified child care facility, with three (3) credit hours in early~~
1792 ~~childhood/child development or school age child care and three credit hours~~

1793 in management/child care administration, business administration or
1794 educational administration. All coursework for this exception must have been
1795 completed within the last ten (10) years.
1796

1797 ~~(f) Testing.~~

1798 For the advanced level credential only, individuals who meet the requirements for
1799 the educational exception but do not have coursework in early childhood education
1800 or administration may opt to take a competency-based test to meet the three (3)
1801 credit hour course requirement in early childhood education/child development or
1802 the three (3) credit hour course requirement in administration, or both. This
1803 process will require the candidate to complete a written test, developed and
1804 approved by the Department of Children & Families, at a local community college
1805 with a minimum score of seventy (70) percent.
1806

1807 ~~(g) Renewal.~~

1808
1809 ~~(1) To maintain a valid temporary Director Credential or Director Credential at either~~
1810 ~~level, every five (5) years, candidates must complete and document four point 5~~
1811 ~~(4.5) Continuing Education Units (CEUs) or one (1) three (3) hour college credit~~
1812 ~~course in any one of the curriculum areas listed in Article VI(B)(3)(c)(5) of these~~
1813 ~~rules, and demonstrate professional contributions in the field. Professional~~
1814 ~~contributions include:—~~

- 1815
- 1816 ~~a. Serve in a professional organization related to the field of early childhood~~
1817 ~~or school-age programs;~~
 - 1818 ~~b. Make presentation or provide training in the field of early childhood or~~
1819 ~~school-age programs;~~
 - 1820 ~~c. Serve as a validator or advisor for a Florida-recognized accreditation~~
1821 ~~program or as a CDA advisor, or as a school-age certification~~
1822 ~~representative for the Florida School-Age Certification Training Program;~~
 - 1823 ~~d. Advocate for an issue in the field of early childhood or school-age~~
1824 ~~programs;~~
 - 1825 ~~e. Publish an item related to the field of early childhood or school-age~~
1826 ~~programs;~~
 - 1827 ~~f. Document program improvements by completing a Florida-recognized~~
1828 ~~accreditation program;~~
 - 1829 ~~g. Serve as a consultant or mentor to another early childhood or school-age~~
1830 ~~program;~~
 - 1831 ~~h. Participate in an educational research or innovation project related to~~
1832 ~~early childhood or school-age programs; or~~
 - 1833 ~~i. Participate in a creative production that relates to the field of early~~
1834 ~~childhood or school programs.——~~
- 1835
1836

1837 ~~(2) A Director Credential issued prior to January 1, 2004, will have an initial renewal~~
1838 ~~date of January 1, 2009, and every five (5) years thereafter. A Director~~
1839 ~~Credential issued after January 1, 2004, will have an initial renewal date after~~
1840 ~~five (5) years and every five (5) years thereafter.—~~
1841

1842
1843 ~~(h) Coursework Recognition and Approval.~~

1844
1845 ~~1. The Department of Children & Families is responsible for reviewing existing~~
1846 ~~and developing coursework, offered through vocational-technical schools,~~
1847 ~~community colleges and universities, to determine if it meets the~~
1848 ~~requirements for Florida's credential. Vocational-technical schools,~~
1849 ~~community colleges and universities shall submit CF/FSP Form 5247 for~~
1850 ~~course review and approval, hereby incorporated by reference. Course~~
1851 ~~work will be reviewed and approved according to the guidelines found in~~

- 1852 "Florida Child Care and Education Program Director Credential, Curriculum
1853 Areas," hereby incorporated by reference, and copies of which can be
1854 obtained from the Florida Children's Forum. —
- 1855
- 1856 ~~2.~~ The Department of Children and Families or designee is responsible for
1857 reviewing out of state adopted Director Credentials to determine if they
1858 meet the requirements for Florida's credential as referenced in Article
1859 VI(B)(3) of these rules. —
- 1860
- 1861 ~~3.~~ A list of approved courses and approved out of state credentials must be
1862 maintained and will be available through the Florida Children's Forum.
- 1863
- 1864 (i) ~~Before school and after school sites:~~
- 1865
- 1866 ~~1.~~ A director holding a foundational or advanced level an active Florida
1867 Director Credential may supervise multiple before school and after
1868 school sites as follows:
- 1869 ~~a.~~ Three (3) sites regardless of the number of children enrolled, or
1870 ~~b.~~ More than three sites if the combined total number of children
1871 enrolled at the sites does not exceed three hundred and fifty (350).
1872 In calculating the total number of children enrolled, the number of
1873 children in the before and after school program shall be calculated
1874 and viewed as separate programs.
- 1875 ~~c.~~ In counties wWhere the public school district has included four (4)-
1876 year old children in public before school and after school programs,
1877 the school district may participate in the multi-site supervision option.
1878 Public school districts which serve four (4) year old children in the
1879 before school and after school programs are required to have a
1880 credentialed staff person pursuant to the credentialing requirements
1881 in subparagraph Article VI(E)(a) herein, in order to accommodate the
1882 four (4) year olds. Such programs are not operated and staffed
1883 directly by the public school district.
- 1884
- 1885 ~~2.~~ When a Florida credentialed director is supervising multiple sites, the
1886 individual left in charge of the site during the director's absence must
1887 meet the following requirements:
- 1888
- 1889 ~~a.~~ Be at least twenty one (21) years of age;
- 1890 ~~b.~~ Have completed the Department of Children & Families' approved forty
1891 (40) clock-hour Introductory Child Care Training (Parts I and II); and;
- 1892 ~~c.~~ Have completed the Department of Children & Families' basic training
1893 in serving children with special needs, by completing the Part II,
1894 specialized training module, Special Needs Appropriate Practices, or
1895 through completion of a minimum of eight (8) hours of in-service
1896 training in serving children with disabilities, or
- 1897 ~~d.~~ Have completed the Department of Children & Families' School Age
1898 Appropriate Practices, specialized training module.
- 1899
- 1900
- 1901 **E. 6. Immunization & Health Records Training**
- 1902
- 1903 **1** Facility operators shall complete the two (2) hour Immunization & Health
1904 Records training provided by the Department within six (6) months from the date
1905 of appointment to the position of facility director. Facility operators appointed prior
1906 to the effective date of these rules shall complete this training by September 30,
1907 2005.
- 1908
- 1909 **G. Trainer qualifications.**
- 1910

- 1911 1. ~~Qualified child care professionals approved to teach the Department of Children and~~
 1912 ~~Families' child care training modules, at a minimum, must meet the following~~
 1913 ~~qualifications:~~
 1914
 1915 a) ~~Individual must be at least twenty one (21) years old.~~
 1916
 1917 b) ~~Individual must complete the six (6) hour Train the Trainer course developed~~
 1918 ~~by the Department of Children and Families.~~
 1919
 1920 c) ~~Individual must meet one (1) of the following educational and experiential~~
 1921 ~~credentials verified by the Training Coordinating Agency:~~
 1922
 1923 (1) ~~Four (4) year college degree with six (6) semester hours in early~~
 1924 ~~childhood/child growth and development, plus, four hundred and eighty~~
 1925 ~~(480) hours experience in a child care setting serving children ages birth~~
 1926 ~~through eight (8) years of age, or a teaching certificate.~~
 1927
 1928 (2) ~~Four (4) year college degree plus two (2) years of full time work experience~~
 1929 ~~in child day care or early childhood education.~~
 1930
 1931 (3) ~~Associate degree with six (6) college credit hours in early childhood/child~~
 1932 ~~growth and development, plus 960 hours experience in a child care setting~~
 1933 ~~serving children ages birth through eight (8) years.~~
 1934
 1935 (4) ~~A.S. or A.A. degree in child development, plus four hundred and eighty~~
 1936 ~~(480) hours experience in a child care setting serving children ages birth~~
 1937 ~~through eight (8) years of age.~~
 1938
 1939 d) ~~If an individual is employed in a child care facility, the child care facility must~~
 1940 ~~be licensed or appropriately certified by the licensing agency.~~
 1941
 1942 G. D. Annual in-service training.
 1943
 1944 1. All child care personnel, except volunteers and substitutes who work or assist
 1945 intermittently less than forty (40) 10 hours a per month, must complete ten
 1946 (10) hours of annual in-service training. There are no exemptions from the
 1947 annual in-service training for child care personnel. The annual ten (10)-hour or
 1948 one (1) CEU in-service training must be completed annually during the state's
 1949 fiscal year beginning July 1, and ending June 30.
 1950
 1951 2. The annual ten (10)-hour or one (1) CEU in-service training must be completed
 1952 in one or more of the following areas:
 1953
 1954 a) Health and safety, including universal precautions;
 1955
 1956 b) CPR;
 1957
 1958 c) Nutrition;
 1959
 1960 d) Child development, typical and atypical;
 1961
 1962 e) Child transportation and safety;
 1963
 1964 f) Behavior management;
 1965
 1966 g) Working with families;
 1967
 1968 h) Design and use of child oriented space;
 1969

1970	
1971	i) Playground safety;
1972	j) Community, health and social service resources;
1973	
1974	k) Child abuse;
1975	
1976	l) Child care for multilingual children;
1977	
1978	m) Working with children with disabilities in child care;
1979	
1980	n) Guidance and Discipline;
1981	
1982	o) Developing special interest centers/ spaces and environments; or
1983	
1984	p) Literacy;
1985	
1986	q) First Aid: this training may only be taken to meet the annual in-service requirement once every three (3) years.
1987	
1988	
1989	r) Computer Technology;
1990	
1991	s) Leadership development/program management and staff supervision;
1992	
1993	t) Age appropriate lesson planning;
1994	
1995	u) Homework Assistance for school age care;
1996	
1997	v) Other appropriate course areas relating to child care or child care management which the training coordinating agencies have determined will further the aims of the training requirements.
1998	
1999	
2000	
2001	
2002	3. Documentation of the in-service training must be included in the child care facilities' personnel records and recorded on a current CF-FSP Form 5268 Child Care In-Service Training Record which is incorporated by reference, and included in the child care facilities' personnel records. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.
2003	
2004	
2005	
2006	
2007	
2008	
2009	4. Child development associate.
2010	
2011	"CDA", a child development associate credential, is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition, in Washington, D.C.
2012	
2013	
2014	
2015	(1) Staff Credentials
2016	In accordance with Florida Statutes, § 402.305(3), as amended or replaced, every licensed child care facility must have <u>a minimum of one (1) credentialed staff member</u> child care personnel for every twenty (20) children with one (1) of the following qualifications:
2017	
2018	
2019	
2020	
2021	a. National child development associate credential. <u>An active National Early Childhood Credential (NECC).</u>
2022	
2023	

- 2024 b. Formal educational qualifications as cited on DCF form CF-FSP 5211, Procedures
2025 for individuals with an associate level {two (2)-year} degree or higher seeking the
2026 credentialing requirement are outlined on a current CF-FSP Form 5211, Child Care
2027 Personnel Education and Employment History Verification Form, which is
2028 incorporated by reference.
2029
2030 c. An active Birth Through Five Child Care Credential awarded as a Florida Child
2031 Care Professional Credential (FCCPC); Florida Department of Education Child
2032 Care Apprenticeship Certificate (CCAC), or Early Childhood Professional
2033 Certificate (ECPC). Graduate of an approved Florida CDA equivalency training
2034 program.
2035
2036 i. Early childhood education training programs seeking equivalency to the CDA
2037 should submit to the Department of Children and Families, a completed
2038 application for CDA equivalency for training programs, on a current CF-FSP
2039 Form 5191.
2040
2041 ii. The criterion for programs wishing to be recognized as a CDA equivalency is
2042 determined by the Department of Children and Families and is outlined on
2043 the application for CDA equivalency for training programs.
2044
2045
2046 d. An active School-Age Child Care Credential awarded as a Florida Child Care
2047 Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC).
2048 Graduates who successfully complete a school-age training program offered by a
2049 branch of the U.S. Military will be recognized as having met the School-Age
2050 FCCPC requirement.
2051
2052 d. Employment history recognition exemption.
2053
2054 i. In addition to the educational requirements and time frames, employment
2055 experience must include a minimum of fifteen (15) hours per week or five
2056 hundred forty (540) hours per year working with children in a licensed,
2057 registered or exempt child care program as defined in Florida Statutes, §
2058 402.302, as amended or replaced, or teaching experience in a public or
2059 private school.
2060
2061 ii. Documentation of employment history recognition must include notarized
2062 letters indicating previous employment or other forms of documentation
2063 such as W-2 forms, licensing records, or income tax return forms for each
2064 place of employment.
2065
2066
2067 e. Employment History Recognition Exemption. An Employment History Recognition
2068 Exemption shall not be accepted to meet the minimum staff credential
2069 requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director
2070 Credential. Applications for Employment History Recognition Exemption will not
2071 be accepted after July 1, 2006.
2072
2073
2074 e. Graduate of the approved Florida School Age Certification Training Program.
2075
2076 i. Early Childhood Education Training organizations seeking to provide the
2077 Florida School Age Certification Training Program, must utilize the Florida
2078 School Age Certification Training Program as approved by the
2079 Department of Children & Families. Organizations seeking to provide the
2080 Florida School Age Certification Training Program, must apply for
2081 approval on a current CF-FSP Form 5257, Application to Provide the
2082 Florida School Age Certification Training Program, which is incorporated

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by reference.

- ~~ii.~~ In order to receive the Florida School Age Certification, a candidate must have completed the Department of Children & Families' Florida School Age Certification Training Program, which consists of the following six (6) competency areas:

 - ~~(A)~~ A total of one hundred and twenty (120) hours of training consisting of Part I of the Introductory Child Care Training, the Department of Children & Families' approved School Age Appropriate Practices training module, and a minimum of eighty (80) clock hours of training using Department of Children and Families' approved curriculum which focuses on the following six (6) competency areas:

 - ~~(1)~~ Establishment and maintenance of a safe and healthy learning environment.
 - ~~(2)~~ The advancement of physical and intellectual competence.
 - ~~(3)~~ The support of social and emotional development and provision of positive guidance.
 - ~~(4)~~ The establishment of positive and productive relationships with families.
 - ~~(5)~~ Ensuring a well-run, purposeful program responsive to participant's needs.
 - ~~(6)~~ The maintenance of a commitment to professionalism.
 - ~~(B)~~ A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the Department of Children & Families' Florida School Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 2001, which is incorporated by reference.
 - ~~(C)~~ Formal observation working with children in a school-age setting during the course of the program by a qualified observer.
 - ~~(D)~~ Four hundred and eighty (480) hours of direct contact with children in a school-age setting within the past five (5) years;
- ~~iii.~~ Individuals who were enrolled in an existing school-age certification training program in Florida, prior to January 1, 2002, and who graduated from this training program by January 1, 2003, will be recognized as having met the Florida School Age Certification requirement.
- ~~iv.~~ Individuals who successfully complete a school-age training program offered by one of the branches of the U.S. Military will be recognized as having met the Florida School Age Certification requirement.
- ~~v.~~ Early Childhood Education Training organizations that provide the Florida School Age Certification Training Program must complete a current CF-FSP Form 5259, Confirmation of Completion of the Florida School Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the local Training Coordinating Agency for processing upon completion of all components of the Florida School Age Certification Training Program.

2142 vi.—The Training Coordinating Agency must issue a current CF-FSP Form
2143 5267, Florida School Age Certification Training Program Certificate, which
2144 is incorporated by reference, to all graduates of the Florida School Age
2145 Certification Training Program.

2146
2147 vii.—To maintain a valid Florida School Age Certification, candidates must
2148 complete and document the satisfactory completion of four point five
2149 (4.5) Continuing Education Units (CEUs) or one (1) three (3) hour
2150 college credit course in any school age child care curriculum area, every
2151 five (5) years. Coursework completed to renew a State of Florida
2152 Teaching Certificate satisfies the coursework requirement for renewal of
2153 the Florida School Age Certification. This documentation must be
2154 submitted to the local Training Coordinating Agency to verify completion
2155 of the required coursework. The local Training Coordinating Agency will
2156 issue a new Florida School Age Certification Training Program Certificate
2157 upon verification of the documentation.

2158
2159 viii.—Universal Pre-Kindergarten : For those providers choosing to participate
2160 in Universal Pre-Kindergarten, the following Child Development Associate
2161 Equivalency (CDAE) renewal process applies. However, for the purpose
2162 of meeting the staff credentialing requirement for every twenty (20)
2163 children in care, as mandated in s. 402.305(3), F.S., a renewal is not
2164 required, but is encouraged and appropriate if the individual chooses.

2165
2166 (A) —Florida CDAE Renewals. To maintain a Florida CDAE, every five (5)
2167 years candidates must complete and provide documentation of the
2168 following criteria, along with the Florida CDAE Renewal Application,
2169 CF-FSP 5273, Feb. 2004, incorporated herein by reference:

2170
2171 (1) —proof of a current First Aid Certificate;

2172
2173 (2) —proof of at least four point five (4.5) Continuing Education Units
2174 (CEUs), or a three (3) college credit hour course in early
2175 childhood education/child development, within the past five (5)
2176 years that is in addition to the original one hundred and twenty
2177 (120) clock hours required for obtaining the CDA equivalency
2178 credential;

2179
2180 (3) —proof of recent (within current year) work experience with
2181 young children or families of young children (a minimum of
2182 eighty (80) hours);

2183
2184 (4) —proof of recent (within current year) membership in a national,
2185 state or local early childhood professional organization;

2186
2187 (5) —a letter of recommendation regarding competency in working
2188 with young children, provided by an Early Childhood Education
2189 Professional such as the Child Care Facility Director, Assistant
2190 Director, Observer, or Lead Teacher; and

2191
2192 (6) —three (3) completed Parent Opinion Questionnaires (within
2193 current year), documented on CF-FSP 5271, Feb. 2004 or an
2194 equivalent form that contains all the information required by
2195 the Department of Children & Families' form.

2196
2197 (B) —National CDA Renewals. To renew a National CDA, that is not
2198 current, individuals must contact the Council for Early Childhood
2199 Professional Recognition, located in Washington, DC, at 1-800-424-
2200 4310, and complete a waiver form which can be obtained by going to

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their website at <http://www.cdacouncil.org>.

(C) The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified above. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal.

(2) ***Periods of transition.***

Child care personnel meeting the credentialing requirement via Article VI (E) (1)(a)(1), through (5) herein, must work at the facility a minimum of twenty (20) hours per week. Nap time and lunch time are excluded from this calculation. A facility that operates for twenty (20) hours or less weekly, shall have adequate credentialed staff on site on a full time basis for the duration of the operating hours.

(3) ***Verification of education and employment history.***

a. Child care personnel seeking satisfaction of the staff credentialing requirement (outlined in Article VI (E) (1)(a)(1) through (5) herein) are responsible for completing and submitting to their local Training Coordinating Agency, current CF-FSP Form 5211, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

b. Upon receipt of and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, may be printed for the individual's records. The individual may also request a copy of CF-FSP Form 5206, from the TCA, for a nominal fee determined by the TCA. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on-site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.

(4) ***Calculation of number of personnel necessary.***

a. For every twenty (20) children, a child care facility must have one (1) child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with twenty (20) — thirty nine (39) children must have one (1) credentialed staff member; facilities with forty (40) — fifty (59) children must have two (2) credentialed staff members, and so on.

b. Child care facilities with nineteen (19) or less children are not subject to the credentialing requirement.

c. Volunteers who meet the credentialing requirement in Article VI (E)(1) (a)(1) through (5), of this rule, will be considered towards meeting the ratio requirement.

d. The Department will calculate the number of personnel needed based on daily attendance.

e. In addition to a current CF-FSP Form 5206 Child Care Personnel Professional Development Confirmation Form, child care facilities must provide written documentation of credentialed personnel's work schedules. Examples of written documentation are employees' time sheets, personnel work schedules, or other employment records.

f. Children who are five (5) years old and above, when they are enrolled in and attending a kindergarten program or grades one (1) and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

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F Training in First Aid and C.P.R.

1. At least one (1) adult staff member must hold a current first aid certification evidenced by a valid card in a Red Cross standard first-aid course or a comparable course specifically designed for child care facilities. At least one (1) adult staff so qualified shall be present at all times that children are in the care of the facility whether such children are on site, on a field trip, or being transported.
2. At least one (1) adult staff member must hold current certification evidenced by a valid card in infant and child cardiopulmonary resuscitation provided by the American Red Cross, the American Heart Association, or other provider of a comparable course specifically designed for child care. At least one adult staff so qualified shall be present at all times that children are in the care of the facility whether such children are on site, on a field trip, or being transported.
3. Certificates of course completion are valid based on the time frames established by each First Aid and CPR training program, not to exceed three (3) years. On-line Internet First Aid and CPR courses are ~~not~~ acceptable to meet this standard, provided the First Aid and CPR trainings include an on-site instructor-based skills demonstration and assessment by a certified instructor. must be done by real time classroom instruction. Only age-appropriate First Aid and CPR certification by a nationally-recognized provider will meet this requirement. Acceptable nationally-recognized training organizations include: American Red Cross, American Heart Association, National Safety Council, and American Safety and Health Institute.
4. Documentation that identifies staff members who have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirements shall be kept on file at the child care facility.

G Health examinations — Staff.

- ~~1. Within ten (10) days after employment, each staff member shall have on file a statement attesting that he/she is physically qualified to care for children. This medical statement shall be based on an examination which must have occurred within the preceding six (6) months and completed by a person given authority by Florida Statutes to perform medical examinations. Within ten (10) days of employment each staff member shall have on file a statement that he/she is free of tuberculosis in a communicable stage as indicated by an approved TB risk assessment, skin test or chest X-ray.~~

~~Such a risk assessment, skin test, or chest X-ray must have been administered within the preceding six (6) months. Evidence of freedom from tuberculosis shall be provided every two (2) years. The T.B. health requirement applies to all child care personnel which includes teachers, administrative staff, bus drivers, food service, custodial personnel, all other employees, substitutes, volunteers, students, and household members, if the child care facility is conducted in a private home. If found positive and/or receiving treatment, child care personnel shall not be able to work or return to work at a child care facility without written medical authorization. These health examinations shall be documented on forms prescribed for this purpose by the Department.~~

- ~~2. Physical examinations shall be renewed every two (2) years.~~

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ARTICLE VII. BACKGROUND AND SCREENING REQUIREMENTS

- A. In accordance with Chapter 435, Florida Statutes, as amended or replaced, as amended, each facility shall screen its personnel and those volunteers who assist at the facility using the Level 2 standards for screening set forth in that Chapter. Standards for screening shall also ensure that the person has not been judicially determined to have committed abuse or neglect against a child as defined in Florida Statutes, § 39.01, as amended or replaced.

Screening includes the following:

1. Level 2 screening as defined in Section 435.04, F.S., includes at a minimum Federal Bureau of Investigations (FBI), Florida Department of Law Enforcement (FDLE), and local law enforcement (Palm Beach County Sheriff's Office (PBSO)) records checks. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule
2. An employment history check must include the previous two five years, which shall include the applicant's job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file, and include dates, times, and the reason the information was not obtained.
3. A Child Care Attestation Affidavit of Good Moral Character must be completed for all child care personnel annually or in accordance with the Department's screening procedures. A copy of the Attestation Affidavit of Good Moral Character form may be obtained from the Department.
4. Evidence of background screening and compliance with this article shall be maintained at the facility and be available for inspection by the Department. The Department is authorized to prescribe the frequency and the forms for regularly submitting proof of compliance with this Article.

- B. In addition to personnel and volunteers, the following individuals shall be screened:

1. If the child care facility is located adjacent to or connected to the home of the owner or operator, family members and persons residing in the home shall also be screened using the Level 2 standards. ~~(For the purpose of this section, adjacent means on the property of the facility or the property located next to the facility property line.)~~ This provision for Level 2 background screening shall also apply in instances where any other residence is located on the same property as the day care facility. Residents of this property that are 12 through 17 years of age are only required to complete the FDLE and local law enforcement records (PBSO) checks.

~~If a family member of, or person residing with, the owner or operator has any direct contact with children in the facility during its hours of operation, that person shall be screened using the Level 2 standards. If such individuals are 12 through 17 years of age between the age of twelve (12) and seventeen (17) years, the individuals are not required to be fingerprinted but shall be screened for delinquency records. Individuals under twelve (12) years of age are not required to be screened.~~

2. Child enrichment service providers

- a. A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in Chapter 435, Florida Statutes, as amended or replaced, using the Level 2 standards for screening set forth in that Chapter. A child enrichment service provider must meet the Level 2

- 2372 screening requirements prior to providing services to a child in a child care
2373 facility.
- 2374
- 2375 b. Documentation of completed background screening shall be available for child
2376 enrichment service providers whenever such persons are ~~on-site~~ at the facility
2377 or working with children as part of the facility's program.
- 2378
- 2379 c. A child enrichment service provider who has met the screening standards shall
2380 not be required to be under the direct and constant supervision of child care
2381 personnel; however, facility and group staffing ratios and supervision
2382 requirements must be maintained in keeping with requirements set forth in
2383 Article VIII of these rules.
- 2384
- 2385 3. All other persons who work in a child care facility during regular operating hours,
2386 including but not limited to office staff and maintenance staff, and who may have
2387 contact with children in care, shall also be screened using the Level 2 standards.
2388

2389 C. **Screening of Volunteers Exceptions**

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2391 ~~Volunteers are not permitted to be left with children without the presence and~~
2392 ~~supervision of staff.~~

2393

2394 ~~The screening of all volunteers shall include: local criminal records check, and a~~
2395 ~~statewide criminal records check. In addition, volunteers shall attest to good moral~~
2396 ~~character on forms provided by the Department.~~

2397

- 2398 1. Volunteers who assist less than 10 hours per month must complete the statewide
2399 (FDLE) and local criminal records (PBSO) checks. (Volunteers who assist 10 hours
2400 or more per month must meet the full Level 2 screening requirements for child care
2401 personnel).
- 2402

2403 ~~Each facility licensed or certified hereunder shall be responsible for submitting the~~
2404 ~~information necessary for screening facility volunteers to the Palm Beach County~~
2405 ~~Sheriff's Office and the Florida Department of Law Enforcement, and for reviewing~~
2406 ~~the dispositions received prior to the volunteer's initial assisting at the facility.~~

2407

- 2408 2. ~~D.~~ Persons who work in a child care facility after hours when children are not
2409 present, and parents of children in Head Start programs are not required to be
2410 screened.
- 2411

- 2412 3. Students who observe and participate in a child care facility as part of their required
2413 course work are not required to be screened provided such observation and
2414 participation is on an intermittent basis and the students are under direct and
2415 constant supervision of child care personnel while at the facility.
- 2416

- 2417 4. ~~K-~~In lieu of fingerprinting, teachers and non-instructional personnel with proof of
2418 background screening clearance through employment by any of the state's school
2419 boards within the past ninety (90) days ~~may~~ shall complete an affidavit of good
2420 moral character ~~by signing the appropriate box, and submitting same along with a~~
2421 ~~local law enforcement criminal records check form.~~ Proof of current screening
2422 clearance must be provided prior to employment at the child care facility.
- 2423

2424 E. D. Responsibility for Screening

- 2425
- 2426 1. The Department of Children and Families (DCF) and the Department shall facilitate
2427 the screening and background checks for the owner, applicant, and operator of a
2428 child care facility ~~and household members, when required by these regulations.~~
- 2429

- 2430 a. The applicant for Level 2 screening shall submit fingerprints using electronic
2431 LiveScan through DCF-approved vendors. The applicant shall submit to the
2432 Department a complete set of fingerprints taken by an authorized law
2433 enforcement agency or employee of the Department who is trained to take
2434 fingerprints, for the operator of the child care facility. The facility shall submit
2435 to the Department all other required documentation and related fees for
2436 screening of owners, applicants, and operators.
- 2437
- 2438 b. The Department of Children and Families shall submit the fingerprints to the
2439 Florida Department of Law Enforcement for state processing and for federal
2440 processing by the Federal Bureau of Investigation.
- 2441
- 2442 c. The Department of Children and Families shall review the record of the operator
2443 with respect to the crimes contained in Florida Statutes, § 435.04, as amended
2444 or replaced, and shall notify the applicant of its findings.
- 2445
- 2446 d. When disposition information is missing on screening results received from
2447 FDLE a criminal record, it shall be the responsibility of the operator, upon
2448 request of the Department to obtain and supply the missing disposition
2449 information within thirty (30) days. Failure to supply missing information within
2450 thirty (30) days or to show reasonable efforts to obtain such information shall
2451 result in automatic disqualification.
- 2452
- 2453 e. A license or applicable certificate may shall not be issued once until all the
2454 screening results applicants have been completed- cleared and the Department
2455 has been notified of such results.
- 2456
- 2457 f. A license or applicable certificate may shall not be issued or renewed if any
2458 owner, operator, applicant, or of the child care personnel at the applicant facility
2459 have has failed the screening required by Florida Statutes § 435.04, as
2460 amended or replaced.
- 2461
- 2462 2. Otherwise Each facility licensed or certified hereunder shall be responsible for
2463 submitting the information and fees necessary for screening facility employees to
2464 the Florida Department of Law Enforcement within seven (7) days after initial
2465 employment of the employee. ensuring that all prospective employees, substitutes,
2466 volunteers, and child enrichment service providers are screened and cleared before
2467 they are allowed to work in the facility. It will shall be the responsibility of the
2468 facility to fulfill the screening requirements of Chapter 435, Florida Statutes, as
2469 amended or replaced, including receiving information from the Florida Department
2470 of Law Enforcement and responding accordingly. It shall be a violation of these
2471 rules for any facility to fail to comply with the requirements of Chapter 435, Florida
2472 Statutes, as amended or replaced.
- 2473
- 2474 F. E. Disqualification based on screening results
- 2475
- 2476 1. Any person who is required to undergo employment screening and who refuses
2477 to cooperate in such screening or refuses to submit the information necessary to
2478 complete the screening, including fingerprints when required, shall be
2479 disqualified for employment in such position or, if employed, shall be dismissed.
- 2480 G.
- 2481 2. Unless the employee has been granted an exemption from disqualification by the
2482 Department of Children and Families pursuant to section 435.07, Florida
2483 Statutes, as amended or replaced. No A person who fails the Level 2
2484 background screening requirements of Chapter 435, Florida Statutes, as
2485 amended or replaced, shall not be permitted to volunteer or work as staff in any
2486 child care facility, unless the employee has been granted an exemption from
2487 disqualification by the Department of Children and Families pursuant to section
2488 435.07, Florida Statutes, as amended or replaced.

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3. The facility must terminate the use or employment of any person found to be in noncompliance with the minimum standards for good moral character contained in Chapter 435, Florida Statutes, as amended or replaced, or place such person in a position for which background screening is not required.
4. ~~In addition, n~~ No person shall be an operator, owner of, or employee in a child care facility if that person:
 1. ~~Is a habitual or excessive user of alcohol.~~
 2. ~~Illegally uses narcotics or other impairing drugs.~~
 3. a. Has falsified screening application information.
 4. b. Has been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to adult and/or child abuse, neglect or exploitation as defined in Chapter 415, Florida Statutes, or § 39.01, Florida Statutes, as amended or replaced.
5. The facility owner or director, upon receiving information that a child care personnel has been arrested for a disqualifying offense shall exclude that child care personnel from working with children. The personnel so excluded shall not be allowed to return to work with children until the child care facility receives documented proof that the individual is cleared and eligible to work with children.

F. Re-screening Required

- ~~H. Evidence of background screening and compliance with this article shall be maintained by the facility and available for inspection by the Department. The Department is authorized to prescribe the frequency and the forms for regularly submitting proof of compliance with this Article.~~
- ~~I. 1. A Level 2 screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted. The five-year re-screen is required for all child care personnel. The five-year re-screen is a full Level 2 background screening. must include a statewide~~ No later than the five (5) year anniversary of the latest screening of persons required to be screened, facilities shall submit a state correspondence criminal record check request to the Florida Department of Law Enforcement through FDLE and a local criminal records check request to by the Palm Beach County Sheriff's Department. Such requests shall be documented on such forms as are provided by the Department. Such forms shall be maintained by the facility and available for inspection by the Department.
- ~~J. 2. A facility shall re-screen any child care personnel who has a break in employment unemployed in the child care industry for more than ninety (90) days.~~
3. Child care personnel are allowed up to one hundred eighty (180) days on a leave of absence employment status without re-screening, unless the five-year re-screen has become due during the leave of absence. Written verification of the leave of absence status, with the specific dates, must be completed by the owner or operator of the child care facility and included in the personnel record of the employee. For screening purposes, a leave of absence is not considered a break in employment, unless the individual sought and gained employment outside of the child care industry during the leave of absence.
- ~~K. In lieu of fingerprinting, teachers and non-instructional personnel with proof of background screening through employment by any of the state's school boards within~~

2548 the past ninety (90) days may complete an affidavit of good moral character by signing
2549 the appropriate box, and submitting same along with a local law enforcement check
2550 form.

2551

2552 **L. Child enrichment service providers:**

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2554 (0) A child enrichment service provider receives compensation from the child's parent or
2555 from the child care facility and shall not be considered a volunteer or child care
2556 personnel.

2557

2558 (1) A child enrichment service provider shall be of good moral character based upon
2559 screening. This screening shall be conducted as provided in Chapter 435, Florida
2560 Statutes, as amended or replaced, using the Level 2 standards for screening set
2561 forth in that Chapter. A child enrichment service provider must meet the screening
2562 requirements prior to providing services to a child in a child care facility.
2563 Documentation of completed background screening shall be available for child
2564 enrichment service providers whenever such persons are on-site at the facility.

2565

2566 A child enrichment service provider who has met the screening standards shall not be
2567 required to be under the direct and constant supervision of child care personnel.

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2569 **M. G. Consideration of Applicant's History --**

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2571 (1) The Department shall include on the application for a child care license or
2572 certificate of compliance a question asking the applicant, owner, or operator
2573 if any such person has ever had a license or certificate denied, revoked, or
2574 suspended in any state or jurisdiction or has been the subject of a
2575 disciplinary action or has been fined while employed in a child care facility.
2576 The applicant, owner, or operator shall attest to the accuracy of the
2577 information requested under penalty of perjury. If the applicant, owner, or
2578 operator admits that he/she has been a party in such action, the Council shall
2579 review the nature of the suspension, revocation, disciplinary action, or fine
2580 before granting the applicant a license or certificate to operate a child care
2581 facility. If the Council determines as the result of such review that it is not in
2582 the best interest of the State or County for the applicant to be licensed or
2583 obtain a certificate, a license or a certificate shall not be granted in
2584 accordance with the procedures set forth in Article V (A) herein.

2585

2586

2587 (2) The child care facility employer shall require that the application for a child
2588 care personnel position contain a question that specifically asks the
2589 prospective employee if he/she has ever worked in a facility that has had a
2590 license or certificate denied, revoked, or suspended in any state or
2591 jurisdiction or has been the subject of a disciplinary action or has been fined
2592 while employed in a child care facility. The prospective employee shall attest
2593 to the accuracy of the information requested under penalty of perjury. If the
2594 prospective employee admits that he/she has been a party in such action,
2595 the employer shall review the nature of the denial, suspension, revocation,
2596 disciplinary action, or fine before the prospective employee is hired.

2597

2598 (3) The facility shall conduct an employment history check for the previous ~~two~~
2599 (2) five years or last three (3) jobs (whichever covers a longer period) as
2600 part of background screening for all child care personnel. This shall be
2601 documented on forms and contain such information as prescribed by the
2602 Department.

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2605 **N. Requirements for issuance of initial license or applicable certificate** As a
2606 prerequisite for issuance of the initial license or certificate to a child care facility:

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1. ~~The applicant shall submit to the Department a complete set of fingerprints taken by an authorized law enforcement agency or employee of the Department who is trained to take fingerprints, for the operator of the child care facility.~~
2. ~~The Department shall submit the fingerprints to the Florida Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation.~~
3. ~~The Department shall review the record of the operator with respect to the crimes contained in Florida Statutes, § 435.04, as amended or replaced, and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the operator, upon request of the Department to obtain and supply within thirty (30) days the missing disposition information. Failure to supply missing information within thirty (30) days or to show reasonable efforts to obtain such information shall result in automatic disqualification. A license or applicable certificate may be issued once all the screening results have been completed and the licensing agency has been notified of such results. A license or applicable certificate may not be issued or renewed if any of the child care personnel at the applicant facility have failed the screening required by Florida Statutes § 435.04, as amended or replaced. A license or a certificate will not be issued until the results of the local criminal records check of the applicant, owner, and/or operator have been received and assessed by the Department.~~

O. Requirements for renewal of license or applicable certificate.

1. Each facility which applies for renewal of its license, or applicable certificate, shall submit to the Department a list of all employees at the facility, and indicate the dates of hire and the dates they satisfied background screening requirements. ~~child care personnel who have worked on a continuous basis at the applicant facility since submitting fingerprints to the Department. The facility shall identify those child care personnel for whom a written assurance of compliance was provided by the Department and identifying those child care personnel who have recently begun working at the facility and are awaiting the results of the required fingerprint check. The date of the submission of fingerprints for processing shall also be submitted.~~

~~Failure to supply missing information within thirty (30) days or to show reasonable efforts to obtain such information shall result in automatic disqualification. The Department shall review the records of child care personnel at the facility with respect to the crimes contained in Florida Statutes, § 435.04, as amended or replaced, and shall notify the facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the Department, to obtain and supply within thirty (30) days the missing disposition information to the Department.~~

2. The applicant shall sign an affidavit under penalty of perjury stating that all new child care personnel have been fingerprinted screened and cleared and that the facility's remaining child care personnel have worked at the facility on a continuing basis since being initially screened at the facility ~~or have a written assurance of compliance from the Department.~~ A license or applicable certificate may be issued if all the facility personnel have been screened and cleared; ~~screening materials have been timely submitted~~ however, a license or applicable certificate may shall not be issued or renewed if any of the child care personnel at the facility have failed the screening required by these rules and continue to be employed or assist at the facility.

ARTICLE VIII. SUPERVISION AND STAFFING REQUIREMENTS

A. Staffing Requirements

1. Operator/Director

- a. The operator/director of a child care facility must be at least twenty-one (21) years of age.
- b. Every child care facility director must have a Director Credential.
- c. The Director Credential shall be posted in a conspicuous location in the facility so that parents and other visitors to the facility can read the information on the certificate.
- d. The operator shall be responsible for the overall supervision of all staff, substitutes, employees, enrichment service providers, and volunteers in the child care facility or program.
- e. The credentialed director must be on-site a majority of hours that the facility is in operation, excluding evening and weekend hours. Documentation of majority of hours must be retained for at least one year, and be available for review by the Department.
- f. An individual may not be the director simultaneously of two or more child care facilities that have an overlap in the hours of operation.
- g. In the absence of the operator/director, there must be a person at least twenty-one (21) years of age in charge of the facility and on the premises at all times, and must be so designated in writing by the operator/director. This written designation shall be conspicuously posted, so that it can be read by visitors and staff at the facility. The operator shall be responsible for the supervision of all staff and volunteers.
- h. In the absence of the operator/director, the designated person in charge shall be responsible for the overall on-site supervision of staff, and shall be fully aware of matters pertaining to children's records, staff records, and routine facility operation. Such person shall also be capable of responding to queries from parents or representatives of the licensing agency. The person left in charge of the facility in the absence of the director shall be able to provide access to Department personnel for inspections or investigations, and shall be able to provide access to all relevant records, in keeping with Article XV(A) and Article XXI(C) or these rules and regulations.
- i. Child care facility owners must notify the Department prior to, or within 48 hours upon losing a credentialed director or when there is a change of director.
 1. ~~The Department may issue a provisional license for a period not to exceed 6 months for a facility without a credentialed director.~~
- j. The following exceptions shall apply:
 1. A credentialed director is not required for facilities offering child care only during the evening hours as defined in Article XVI of these rules.
 2. The Director Credential is not required for certificate of substantial compliance facilities.
 3. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or replaced, a credentialed director may supervise multiple before-school and after school sites for a single organization as follows:
 - i. Three sites regardless of the number of children enrolled; or
 - ii. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the number of children

- 2718 enrolled, the number of children in each before school and after school
2719 program shall be calculated and viewed as a separate program.
- 2720
- 2721 4. When a credentialed director is supervising multiple sites, the individual left in
2722 charge of a site in the absence of the credentialed director must meet the
2723 following requirements:
- 2724 i. Be a least 21 years of age.
2725 ii. Have completed the approved 40-clock hour Introductory Child Care
2726 Training approved by DCF; and
2727 iii. Have completed DCF's Part II specialized training course, Special Needs
2728 Appropriate Practices, or a minimum of 8 hours of registry-approved in-
2729 service training in serving children with disabilities; and
2730 iv. Have completed DCF's School-Age Appropriate practices specialized training
2731 module; and
2732 v. Have a Staff Credential.
2733
- 2734 5. Where the public school district has included 4-year old children in public before-
2735 school and after-school programs, the school district may participate in the
2736 multi-site supervision operation. Public after-school programs are required to
2737 have a credentialed staff person pursuant to the credentialing requirements in
2738 Article VI(G)(1), in order to accommodate the 4-year old children. Such
2739 programs are not operated and staffed by the public school district.
2740
- 2741 2. Staff
2742
- 2743 a. Staff must be at least eighteen (18) years of age.
2744
- 2745 Exception: Person(s) who have completed the requirements for vocational
2746 career and technical education programs entitled "Child Care Assisting". Early
2747 Childhood Education may be employed in child care facilities in Palm Beach
2748 County at seventeen (17) years of age. Operators must retain a copy of the
2749 student's proof of completion on file ~~for the Department's examination.~~
2750 These persons can be counted for the purposes of computing the personnel
2751 to child ratio as long as they are under the direct supervision of child care
2752 personnel eighteen (18) years or older.
- 2753 b. Effective January 1, 2012, each group of children in a child care facility must
2754 be staffed by at least one staff person who has a high school diploma, GED,
2755 or verified staff credential as defined in Article III of these rules.
- 2756 3. Substitutes -- A substitute is staff of a child care facility, and must be at least
2757 eighteen (18) years of age. A substitute may be seventeen years of age provided
2758 such person has completed the requirements for the ~~vocational career and technical~~
2759 education programs titled "Child Care Assisting". Early Childhood Education.
2760 Operators must retain a copy of the student's proof of completion on file for the
2761 Department's review.
2762
- 2763 4. Volunteers -- All volunteers must be at least twelve (12) years of age. ~~and be under~~
2764 ~~the direct supervision of child care personnel eighteen (18) years or older. A~~
2765 volunteer who assists on an intermittent basis for less than 10 hours per month is
2766 not included in the term "staff" or "personnel" for screening and training purposes if
2767 a person who meets the child care personnel screening and training requirements is
2768 always present and has the volunteer in his or her line of sight.
- 2769
- 2770 B. A. Staff to Child Ratios
2771
- 2772 1. The following minimum staff-to-child ratios shown in the table below must be
2773 maintained at all times with additional staff and supervision requirements for field trips,

2774 transportation, and swimming activities as set forth in Articles XVII and XVIII of these
2775 rules, and staff ratios for facilities providing specialized care for mildly ill children as set
2776 forth in Article XIX (A) herein.

2777 2. A child enrichment service provider shall not be considered a volunteer or child care
2778 personnel, and shall not be counted in meeting group or staff to child ratios.
2779

2780 3. For every twenty (20) children, a child care facility must have at least one (1) child care
2781 personnel who meets the Staff Credential requirement. Based on this formula, child
2782 care facilities with twenty (20) – thirty-nine (39) children must have at least one (1)
2783 credentialed staff member; facilities with forty (40) – fifty-nine (59) children must have
2784 at least two (2) credentialed staff members, and so on.
2785

2786 a. Child care facilities with 19 or fewer children that operate less than 8 hours per
2787 week are not subject to the staff credential requirement.

2788 b. Volunteers who work at the facility a minimum of 20 hours per week and meet
2789 the credential requirement may be included in calculating the ratio requirement.

2790 c. Children who are five years old, and who are enrolled in and attend a
2791 kindergarten program or grades one and above are excluded from the calculation
2792 of the credential ratio.

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Minimum Staff-to-Child Ratios

AGE OF CHILDREN	STAFF RATIOS FOR CHILD CARE	STAFF RATIOS FOR DROP-IN CHILD CARE
Under 1 year of age	1 staff member for 4 infants	1 staff member for 2 infants
1 to 2 years of age	1 staff member for 6 infants	1 staff member for 4 infants
2 to 3 years of age	1 staff member for 11 children	1 staff member for 6 children
3 to 4 years of age	1 staff member for 15 children	1 staff member for 8 children
4 years of age	1 staff member for 20 children	1 staff member for 10 children
5 years of age or older	1 staff member for 25 children	1 staff member for 15 children

Staff Ratios in Specialized Child Care for the Mildly Ill -- Article XIX (A)

**Staff Ratios for Field Trips with Swimming Activities & Water Play –
Article XVIII (A & B)**

**School Age Child Care Programs in Public Schools: Pursuant to Article X
(C) (3):**

Where the Department deems that safe access to the fenced play area can not be provided, including, but not limited to exposed crawlspaces, traversing driveways or trafficked areas, but excluding water hazards, such school age child care program shall maintain at a minimum, a staffing ratio at the level of 1 staff per 15 children in attendance.

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- 2801 C. Supervision
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- 2803 1. ~~B.~~ Children under care must be directly supervised by staff persons at all times.
- 2804 Direct supervision means watching and directing children's activities within close
- 2805 ~~proximity in the same room, inside or within a designated outdoor play area, or~~
- 2806 while transporting children. Child care personnel must provide children with
- 2807 supervision and care in accordance with the children's age and required needs, and
- 2808 be accountable for the children at all times.
- 2809 2. Child care personnel and volunteers at a facility must be assigned to provide care
- 2810 direct supervision to a specific group of children, and be present with the group of
- 2811 children at all times, including during meals, napping, sleeping, snack time and
- 2812 during periods of night-time care.
- 2813 3. During nap time, supervision requires that staff be in close proximity, within line of
- 2814 sight and hearing of all the children. Nap time supervision, as described in this
- 2815 section, does not include supervision of infants, who must be supervised closely and
- 2816 directly at all times. At all times lighting must be sufficient to visually observe and
- 2817 supervise children while in care.
- 2818 4. Caregivers shall remain awake while children are in care.
- 2819 5. No operator, owner, volunteer, enrichment service provider, or employee of a child
- 2820 care facility shall be under the influence of narcotics, alcohol, or other impairing
- 2821 drugs, which affects their ability to provide supervision and safe child care. while
- 2822 working with children in a child care facility or program.
- 2823 6. An owner, child care personnel, volunteer, or enrichment service provider shall not
- 2824 allow or engage in any activity or behavior that places or is likely to place children at
- 2825 risk of being injured, frightened, or exposed to other harmful or inappropriate
- 2826 experiences.
- 2827 7. Except where specifically authorized elsewhere in these rules, volunteers may not be
- 2828 counted for the purposes of meeting minimum supervision and staff ratio
- 2829 requirements.
- 2830 8. All volunteers must be supervised by staff and their location within the facility known
- 2831 at all times while such volunteers are assisting at the facility. In no event shall
- 2832 volunteers be permitted to be left with children without the presence and
- 2833 supervision of staff.
- 2834 9. ~~D.~~ Commingling
- 2835 a. Infants under 12 months of age shall not be commingled with other children
- 2836 over 24 months of age:
- 2837 ~~b. However any child twenty four (24) months or older who is~~
- 2838 ~~developmentally delayed may be allowed to remain in the infant room by~~
- 2839 ~~written request to the Department which shall grant such request if the need~~
- 2840 ~~is verified.~~
- 2841 In addition, up to a 30 day period is allowed after a child in care at the
- 2842 facility reaches 24 months of age to facilitate the smooth transition of the
- 2843 child from the infant group to a new group of children 24 months or age or
- 2844 older in the same facility.
- 2845 b. Infants 12 months of age or older may be commingled with older children
- 2846 who will be less than 36 months of age by September 1 of the current year.
- 2847 Thus, any child who will reach 36 months of age by September 1 of the
- 2848 current year cannot be commingled with infants.

2849 c. In a room with infants 12-24 months of age, mixed with older children, one
2850 staff member shall not be responsible for more than six (6) children.

2851 d. In a room with infants under ~~twelve (12)~~ 12 months of age, mixed with
2852 infants ~~twelve (12) to twenty-four (24) months~~, 12-24 months of age, one (1)
2853 staff member shall not be responsible for more than four (4) children.

2854 10. G.-Except where otherwise stated in these rules, the following staffing ratios shall apply:
2855 Where all the children are ~~twenty-four (24)~~ 24 months and older, the staff ratio shall be
2856 based on the age of the majority of children in the group. When there is a tie, the ratio
2857 shall be based on the requirements for the youngest child in the group.

2858 11. E.-Children must not be left unattended while being diapered or when changing clothes.
2859 Caregivers' hands shall be washed using running water, soap and friction, rinsing and
2860 drying thoroughly immediately after outdoor play, after each diapering procedure, or
2861 toileting or personal hygiene procedures for themselves or children and prior to meal
2862 times.

2863 Children must be continuously supervised while using the toilet, lavatory, or bathing
2864 facility. Children shall wash hands or be assisted with hand washing by staff as needed,
2865 using running water, soap and friction, rinsing and drying thoroughly immediately after
2866 outdoor play, toileting or personal hygiene procedures and prior to meal times.
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2869 12. F.-During outdoor play, staff must situate themselves in the outdoor play areas so that
2870 all children can be directly supervised remain within a staff member's line of vision, and
2871 can be heard by staff. During rainfall or whenever lightning is visible on the horizon or
2872 thunder is audible, children must immediately be removed from the outdoor play area
2873 and returned to the building.

2874
2875 13. G.-In the absence of regular staff members, substitutes may be used provided such
2876 substitutes have met all the requirements imposed by these rules on regular staff
2877 members.

2878
2879 14. H.-Children must be released only to custodial parents or persons sixteen (16) years of
2880 age or older authorized in writing and listed on the enrollment form by a custodial
2881 parent.

2882
2883 15. I.-If When both non-handicapped and handicapped children are served, it may be
2884 necessary for the operator shall to make an any necessary adjustment in the staff ratio
2885 to ensure adequate and proper care for the handicapped child(ren).

2886
2887 16. J.-Where drop-in child care is provided, the child shall be in care for no more than a
2888 four (4) 4-hour period, and the parent shall remain on the premises of the shopping
2889 mall or business establishment at all times while the child is in care at the facility.

2890
2891 17. K.-Where drop-in child care is provided, and there are children in numbers and of an
2892 age that only one (1) staff member need be present to maintain the staff ratios, a
2893 second staff member shall be on hand at the facility at all times. This additional staff
2894 member shall assist in supervision in the event of an emergency.

2895
2896 18. L.-All children under the supervision of the facility at any ~~one (1)~~ time, whether or not
2897 on the premises, including children related to staff members and children away from
2898 the facility on field trips, shall be counted in determining compliance with these rules
2899 and regulations.

2900 19. No person shall be an operator, owner, or employee in a child care facility while using
2901 or under the influence of narcotics, alcohol, or other drugs that impair an individual's
2902 ability to provide supervision and safe child care.

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ARTICLE IX. DAILY PROGRAM AND DISCIPLINE

A. Daily program.

1. There must be a written daily program of scheduled activities that to provide meaningful age-appropriate experiences for geared to the age level of the children. The scheduled activities should be designed and conducted to promote emotional, social, intellectual and physical growth; include quiet and active play, both indoors and outdoors; and include meals, snacks and nap times, if appropriate for the age and the times that the children are in care. and to meet the social, emotional, physical, intellectual and developmental needs of each child as well as those of the total group and include a written program to be implemented periodically for children of an appropriate age, which will assist the children in preventing and avoiding physical and mental abuse.
2. The activity program for both infants and other children must be conspicuously displayed in the child care facility and shall include a schedule for meals, snacks, naps, indoor and outdoor periods. Providers are encouraged to advise parents or guardians of their child's activities on a daily basis, and to allow the parents or guardians to participate in the program's activities.
3. The program for infants must include adequate opportunity for activities for at least two (2) hours per day outside of the crib or playpen. An clean, safe, and appropriate area must be provided for this activity. In addition, infants and other children in care shall be provided with opportunities for outdoor time each day that weather permits.

B. Parental access.

1. A child care facility must provide the custodial parent(s) or legal guardian reasonable access, in person or by telephone, to the child care facility, both physically and via the telephone while a child of such parent(s) or legal guardian is in care. Children must be released only to persons authorized in writing by a custodial parent.

C. Discipline.

1. The children in a child care program shall only be disciplined in a constructive manner as warranted. All child care personnel at the facility, away from the facility on field trips, or transporting children before or after school shall comply with the facility's written disciplinary policies.
2. Children must not be subjected to discipline which is severe, humiliating or frightening.
3. Discipline must not be associated with food, rest or toileting.
4. Spanking or any other form of physical punishment by all child care personnel is prohibited.
5. Discipline policy. Prior to admission of a child to a child care facility, the facility shall provide the facility's formulate a written discipline policy and notify to the parents or guardians in writing of the current disciplinary practices used by the facility. The specific types of discipline used for each age group must be included in the written material provided to parents or guardians. Verification that child care facilities have provided parents written notification of the disciplinary practices used by the facility shall be documented on the enrollment form or an equivalent form with the signature of the parent. Staff shall be required to review the facility's disciplinary policy and sign a written verification that such policy has been provided.

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6. Verification that the child care facility has provided, in writing, the disciplinary policy used by the facility shall be documented on the enrollment form, and signed by the current custodial parent or legal guardian. ~~All child care personnel at the facility and away from the facility on field trips or transporting children before or after school, shall comply with the facility's written disciplinary practices.~~
7. A copy of the facility's current written disciplinary practices must be available to the Department's representatives upon request.
8. Staff shall be required to review the facility's disciplinary policy and sign a written verification that such policy has been provided and reviewed.

ARTICLE X. PHYSICAL FACILITIES

A. General.

- ~~1. All new establishments shall submit two (2) sets of current permitted construction plans of the total facility indicating exits, windows and essential equipment with the application to operate a child care facility. Two (2) sets of the site plan must be submitted showing location of the building thereon.~~

~~Before any alterations or modifications to an existing facility may be made, plans must be submitted to the Department showing the existing configuration and proposed changes. Scale on all drawings shall not be less than 1/8 inch = 1 foot. The plans must contain front, side and rear elevations. All plans must be of professional quality. For change of ownership of existing facilities, two (2) sets each of a current floor plan and site plan must be submitted with the application.~~

~~Any existing facility providing a new or relocated service including a change of ownership, must comply with the Palm Beach County Rules and Regulations Governing Child Care Facilities in effect at the time the proposal is submitted to the licensing agency.~~

- ~~1. 2. During the hours the facility is in operation, no~~ No portion of the building or property shall be used for any purpose which endangers the health and safety of the children.

- ~~2. 2.~~ The approved and or licensed areas of a child care facility shall be utilized exclusively for the children enrolled in the facility during the normal operating hours.

- ~~3. C.8.~~ All water hazards such as pools, swimming pools, wading pools, ditches, fishponds, etc., shall be adequately fenced in accordance with accepted safety practices. The minimum height of the fence shall be four (4) feet. If a gate is provided, it must be key locked. Prior to the installation of the fence, the facility must obtain an applicable permit from the local jurisdiction having authority. In addition, in no circumstance will a screen enclosure or similar device be accepted in lieu of a fence. In the event that this subsection conflicts with future amendments to the Florida Building Code, the provisions of the Florida Building Code shall apply.

- ~~4. 3.~~ All surfaces or items, accessible to children in the child care facility shall be free of toxic substances and hazardous materials including lead paint.

- ~~5. The child care facility must be free of lead based paint hazards. Renovations to child care facilities built prior to 1978 must comply with 40 CFR Part 745: EPA Renovation, Repair and Painting Rule.~~

- ~~6. 3.~~ All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, or hazardous materials All cleaning supplies and other potentially poisonous or dangerous supplies shall be plainly labeled. Any product that bears a warning on the label KEEP OUT OF THE REACH OF CHILDREN, or words or symbols to that effect, shall be presumed to be potentially poisonous or dangerous. These items, in addition to knives, sharp tools, and other potentially dangerous implements and materials, shall either be stored in a locked area or be absolutely inaccessible to children in care.

- ~~7. 3.~~ Products that produce irritating odors or toxic fumes shall not be used while children are present.

- ~~8. 3.~~ Staff purses and personal items shall be inaccessible to children.

- 3027 9. 4-Animals (excluding aquarium fish and hermit crabs) are prohibited on the
3028 premises. Special animal programs ~~may~~ will be permitted upon prior approval of the
3029 Department pursuant to a written request.
- 3030 10. 5-Rooms occupied by children must have a minimum of twenty (20) foot candles of
3031 natural or artificial lighting at three (3) feet from the floor to allow for adequate
3032 supervision and for safe means of entering and exiting each room. Substantial
3033 compliance facilities are exempt from the twenty (20) foot candles requirement
3034 during napping periods. At all times lighting must be sufficient to visually observe
3035 and supervise children, including during naptime. A minimum of fifty (50) foot
3036 candles of natural or artificial lighting is required at desktop level while the room is
3037 being used for instruction.
- 3038 11. 6-Heating, ventilation, and air-conditioning (HVAC) equipment shall be installed and
3039 maintained in a safe condition and in accordance with applicable laws, ordinances
3040 and regulations.
- 3041 12. 6-An inside temperature of 72° to 82° Fahrenheit must be maintained at all times
3042 during operation of the facility.
- 3043 13. 6-A reliable thermometer shall be provided in each major area of the facility.
- 3044 14. 6-Non-vented or open flame heaters (including water heaters) and portable
3045 electrical heaters are prohibited.
- 3046 15. 7. ~~No firearms shall be kept allowed on the premises, except on the person of~~
3047 ~~security personnel who are licensed to carry a firearm. This paragraph is deleted~~
3048 ~~intentionally.~~
- 3049 16. 8-Smoking is prohibited within the facility, all outdoor play areas, during field trips,
3050 and in vehicles when being used to transport children, pursuant to Chapter 386,
3051 Florida Statutes, as amended or replaced. Owners/operators shall notify custodial
3052 parents and legal guardians, in writing, that smoking is prohibited on the premises
3053 of the child care facility.
- 3054 17. All child care facilities in Palm Beach County must comply with the same mandatory
3055 radon testing and reporting requirements as state-licensed child care facilities
3056 pursuant to section 404.056(4), F.S. and section 64E-5.1208(c), F.A.C., irrespective
3057 of Palm Beach County's designation within the Department of Community Affairs'
3058 Florida Radon Protection Map Categories.
- 3059 18. 9-Child care facilities shall not be physically connected to domestic residences.
3060 Facilities physically connected to domestic residences and previously approved for
3061 such operation may continue until the facility undergoes a change in operation or
3062 ownership. However, the non-conforming use may not be expanded.
- 3063 19. 10. Alcoholic beverages, narcotics or other impairing drugs are prohibited on the
3064 premises of the child care facility.
- 3065 20. 11-All new child care facilities shall meet not less than the requirements set forth by
3066 Section 406.1, 406.2 and 406.3, Type 5, Educational Occupancy (E) Standard
3067 Building Code, as amended by the Florida Building Code, currently adopted edition.
- 3068 21. 11-All child care facilities shall be located at ground level (street level), unless
3069 approved otherwise by the Building and Fire authorities having jurisdiction.
- 3070 22. 11-Pursuant to Florida Statutes § 402.305(5), school age programs operated in
3071 public school facilities, regardless of the operator, shall follow the standards set
3072 forth by the Florida Building Code State Requirements for Public Educational
3073 Facilities with the caveat that access to play areas be deemed safe by the

3072		Department, pursuant to Article X(C)(3) of these rules. In addition, where multiple
3073		school age child care programs are operated in a public school, the programs shall
3074		not be commingled.
3075	<u>23.</u>	11. School age child care facilities in public schools shall comply with applicable fire
3076		and life safety codes pursuant to Chapter 69A-58, Fire Safety Standards For
3077		Educational and Auxiliary Facilities, as amended or replaced.
3078	<u>24.</u>	12. All child care facilities (electrical installation, plumbing, etc.) must conform to all
3079		applicable municipal and county building, fire and zoning codes.
3080	<u>25.</u>	13. Child care facilities shall be located on well-drained sites and shall be easily
3081		accessible. They shall not be located where excessive noise, odors, dust, smoke,
3082		traffic or other unsafe or harmful environmental elements interfere with the
3083		children's comfort and safety.
3084	<u>26.</u>	14. The building and property shall be free from fire hazards, <u>including lint or dust</u>
3085		<u>build-up in heating and air conditioning vents, filters, exhaust fans, ceiling fans, and</u>
3086		<u>dryer vents.</u> Improper storage of <u>flammable or combustible materials, and</u>
3087		unnecessary materials or equipment shall be prohibited.
3088	<u>27.</u>	15. All openings to the outer air shall be effectively screened. <u>When the windows or</u>
3089		<u>doors are open, buildings must have and maintain screens to prevent entrance of</u>
3090		<u>insect or rodent. Seals, gaskets, or casings around windows and doors must be free</u>
3091		<u>from gaps or openings that will allow the entry into the building of insects and</u>
3092		<u>rodents when the doors or windows are closed. Crawl spaces and soffit vents shall</u>
3093		<u>be screened to prevent the entry of rodents and other vermin.</u>
3094	<u>28.</u>	16. Floors shall have washable, easily cleanable surfaces. Floors subject to flood
3095		washing shall be provided with floor drains.
3096	<u>29.</u>	17. Walls and ceilings of all rooms shall be kept clean and in good repair. Toilet
3097		room walls shall be of impervious material or shall be painted with enamel paint to
3098		splash level.
3099	<u>30.</u>	18. There shall be a sanitary storage space for cots and equipment if a separate
3100		sleeping room is not provided, and adequate individual storage space provided for
3101		each child's personal belongings. Sleepmats shall be stored at a minimum of six (6)
3102		inches off the floor, and in a clean and orderly manner.
3103	<u>31.</u>	19. Adequate on-site laundry facilities are to be provided as necessary: In facilities
3104		not providing specialized care for mildly ill children, on-site laundry facilities may be
3105		used provided that there is added one quarter cup of bleach per gallon of water to
3106		the final rinse cycle of the wash, in an effort to eliminate children's exposure to
3107		disease microorganisms. Arrangements with a commercial laundry are acceptable
3108		for such facilities. Facilities providing specialized care for mildly ill children shall not
3109		utilize an on-site laundry. In a facility that provides care for both well children and
3110		mildly ill children, linens and laundry activities for these programs shall be separate.
3111	<u>32.</u>	20. A well-lighted and ventilated dining area shall be provided. Tables, benches, and
3112		chairs shall be of a convenient size and well constructed.
3113	<u>33.</u>	21. All rooms shall be ventilated by windows or mechanical means sufficiently to
3114		prevent all objectionable odors and excessive condensation, and in such a manner
3115		as to avoid direct drafts on the children. All windows, which can be opened, and
3116		doors which may be left open, shall be provided with a mesh fly screen. Screens are
3117		not required for open air classrooms and picnic areas.
3118	<u>34.</u>	22. The premises, both inside and out, shall be maintained in a clean and sanitary
3119		condition, free of insects and rodents, and in good repair at all times.

3120	<u>35.</u>	22. Pest control shall not take place while rooms are occupied by children or during
3121		hours of operation of the child care facility.
3122	<u>36.</u>	23. Stairways with a series of steps of three (3) or more must have hand-rails on
3123		each side and be equipped with non-skid treads.
3124	<u>37.</u>	24. Electric fans shall be permanently installed, screened and out of the children's
3125		reach.
3126	<u>38.</u>	25. All electrical outlets shall be capped when not in use.
3127	<u>39.</u>	26. Fire extinguishers, as required by the Fire Authority having jurisdiction, shall be
3128		provided.
3129	<u>40.</u>	27. Fire drills shall be conducted periodically, but not less than every month. A fire
3130		plan shall be posted conspicuously in each occupiable room, hallway or area, and
3131		near each telephone.
3132	<u>41.</u>	28. Extension cords shall not be used as permanent wiring.
3133	<u>42.</u>	28. Power cords from appliances shall not be readily accessible to children.
3134	<u>43.</u>	29. The use of safety glazing materials in all glass doors, tubs, shower enclosures
3135		and other hazardous locations, shall comply with Florida Statutes, §§ 553 Part III, as
3136		amended or replaced and Chapter 24 "Glass" Florida Building Code, currently
3137		adopted edition.
3138	<u>44.</u>	30. There shall be an adequate supply of potable water, meeting the applicable
3139		quality standards of <u>Chapters 62-550, 62-555, and 64E-8</u> 17-22 , Florida
3140		Administrative Code, as amended or replaced, and standards of Palm Beach County,
3141		as adopted under Palm Beach County <u>Environmental Rule II</u> .
3142	<u>45.</u>	31. All sewerage <u>sewage</u> shall be centrally collected and disposed of as required by
3143		Chapter 64E-6, Florida Administrative Code, as amended or replaced, and Palm
3144		Beach County Environmental Control Rule One I Unified Land Development Code,
3145		Article 15 as amended or replaced.
3146	<u>46.</u>	31. There shall be a mop sink or janitorial sink available in all child care facilities.
3147	<u>47.</u>	32. All child care facilities shall subscribe to a garbage collection service and comply
3148		with Chapter 17-7-62-701 , Florida Administrative Code, as amended or replaced.
3149	<u>48.</u>	33. Each child care facility shall have at least one (1) approved drinking fountain for
3150		each thirty (30) children or provide a potable water supply with a dispenser and
3151		disposable cups.
3152		
3153	(a)	Bubbler type fountains or any arrangement whereby water falls back on the
3154		mouthpiece shall not be used.
3155		
3156	(b)	The water jet shall be adjusted so that water clears the mouthpiece but
3157		does not splash on floor or wall.
3158		
3159	(c)	The drain from the fountain shall not have a direct physical connection to a
3160		waste pipe unless the drain is trapped.
3161		
3162	(d)	All drinking fountains shall be cleaned at least daily with a germicidal or
3163		bacteriostatic cleaner containing no objectionable odor.
3164		
3165	(e)	The mouthpiece, basin and exterior shall be effectively cleaned and
3166		sanitized at least daily.
3167		

- 3168 (f) The floor and wall adjacent to the fountain shall be kept dry and clean.
 3169
 3170 (g) Disposable cups shall not be reused.
 3171
- 3172 ~~49.~~ ~~34. To prevent injury to children,~~ Exits from the facility shall open onto safe,
 3173 protected, fenced areas, or shall have active, audible alert mechanisms to alert staff
 3174 as to when such doors are opened. This requirement is separate and apart from the
 3175 fencing requirement in Article X (C) herein.
- 3176 ~~50.~~ Control Point: For security purposes, the facility shall be configured to have a central
 3177 control point to monitor persons entering or leaving the facility. Alternatively, the
 3178 facility shall have a written plan for the control of persons' ~~ingress and egress from~~
 3179 ~~entering and leaving the facility.~~ Such plan shall be maintained on site at the facility,
 3180 and shall be available to the Department for review upon request.
- 3181 **~~B. Indoor space.~~**
- 3182 ~~51.~~ For each child in care, there shall be a minimum of thirty-five (35) square feet of
 3183 usable indoor space as herein defined. Useable indoor floor space is calculated by
 3184 measuring at floor level ~~from~~ between interior walls and by deleting space for
 3185 stairways, hallways, toilets and bath facilities, permanent fixtures and non-moveable
 3186 furniture. Kitchens, offices, laundry rooms, storage areas and other areas not used
 3187 by children in normal day-to-day operations are not included when calculating
 3188 useable indoor floor space.
- 3189 a. Indoor recreation facilities ~~must have,~~ ~~are exempt from the minimum~~
 3190 ~~outdoor square footage per child requirement specified in Article X(C)~~
 3191 ~~herein, if the indoor recreational facility has,~~ at a minimum, 3,000 square
 3192 feet of usable indoor floor space designated for indoor play or fitness
 3193 activities. Such designated indoor play space shall be in addition to the
 3194 minimum thirty-five (35) square feet per child of useable space per child
 3195 licensed capacity.
 3196
 3197
- 3198 **~~C. B. Outdoor play areas.~~**
- 3199 1. There shall be a minimum of 75 square feet of outdoor play area per
 3200 non-infant child, for at least one-half of the total number of non-infant
 3201 children for which the center is licensed. However, a child care facility
 3202 shall not have less than 1500 square feet of outdoor play area.
- 3203 2. There shall be a minimum of 45 square feet of outdoor play area per
 3204 infant, for at least one-half of the total number of infants for which the
 3205 facility is licensed.
- 3206 3. At no time should the number of children using the outdoor play area
 3207 result in a reduction of the available space per child below the
 3208 minimum space required, as set forth above. Split shifts may be used
 3209 to ensure that space requirements are maintained during the use of
 3210 outdoor play areas.
- 3211 4. Any proposed changes to the outdoor play area of an existing child
 3212 care facility shall be reviewed and approved in writing by the local
 3213 zoning, building, and fire departments having jurisdiction. Verification
 3214 of this review and approval should be documented on a form
 3215 prescribed by the Department.
- 3216 ~~1. Each facility shall have an outdoor play area of no less than seventy-five (75)~~
 3217 ~~square feet per non-infant child under care. Facilities caring for infants shall have a~~
 3218 ~~separate outdoor play area of no less than forty-five (45) square feet per infant under~~
 3219 ~~care.~~
- 3220 5. 4. All outdoor play areas must be enclosed by safe and adequate fencing, or wall or
 3221

a combination thereof, of no less than four (4) feet high. (Local zoning regulations may have more stringent minimum space or fence height requirements.) The outdoor play area fence, Fencing, including gates, shall be maintained and be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or build-up, to prevent children leaving the play area by easily climbing over the fence or through openings crawling under the fence, and to prevent inside or outside access by children or animals.

~~2. As of November 1, 1984, variances from the minimum outdoor play area requirements for children under care at any one time (split shift variances) have not been permitted. However, unless licensed capacity has been increased or outdoor play area decreased, split shift variances authorized prior to November 1, 1984 shall continue in effect. No split shift variance shall be effective for a greater capacity than that authorized as of November 1, 1984. Any decrease in outdoor play area or discontinued use of a child care facility for a period exceeding one year, or change of ownership will extinguish a previously authorized split shift variance.~~

6. ~~3.~~ Outdoor play areas shall be located on facility property and shall be immediately adjacent to the building or accessible by a route free from safety hazards, including but not limited to water hazards and exposed crawlspaces electrical equipment, and busy roadways. For new or extensively remodeled facilities, or upon a change of ownership, access to play areas from the facility must be protected by a continuous wall or fence no less than four (4) feet high.

a. ~~3.~~ Classrooms serving infants shall have direct access to the outdoor infant play areas. ~~Staff shall directly supervise children going to and from outdoor play areas.~~

b. ~~3.~~ School aged child care facilities shall provide safe access to play areas. Access shall be evaluated on a case-by-case basis by the Department and shall be deemed safe if the determination is appropriate. In school age child care programs located in public school sites, where the Department deems that safe access to the fenced play area cannot be provided, including, but not limited to exposed crawlspaces, traversing driveways or trafficked areas, but excluding water hazards, such school age child care program shall maintain additional staffing, pursuant to Article VIII(AB)(1) of these rules.

7. ~~3.~~ The outdoor play area shall be clean, free of litter, nails, glass and other obvious hazards. ~~Unless portable by design all outdoor play equipment shall be firmly anchored.~~

8. ~~5.~~ Outdoor play area shall provide both sun and shade.

~~2. The outdoor play area shall be clean, free of litter, nails, glass and other obvious hazards. Unless portable by design, all outdoor play equipment shall be firmly anchored. Permanent playground equipment must have a ground cover or other protective surface under and the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls. (Moved to H below).~~

~~6. Use of water bearing tables by two (2) or more children is prohibited. Water play is allowed when individual containers are provided for each child, and containers are cleaned and sanitized in between each child's use. (Moved to H)~~

~~7. Sand or sawdust boxes used in outdoor play areas shall be constructed to allow for drainage and maintained in a safe and sanitary condition. Sand and sawdust boxes must be covered with durable and well maintained covers when not in use.~~

8. All water hazards such as pools, swimming pools, wading pools, ditches, fishponds, etc., shall be adequately fenced in accordance with accepted safety practices. The minimum height of the fence shall be four (4) feet. If a gate is provided, it must be key locked. Prior to the installation of the fence, the facility must obtain an applicable permit from the local jurisdiction having authority. In addition, in no circumstance will a screen enclosure or similar device be accepted in lieu of a fence. In the event that this subsection conflicts with future amendments to the Florida Building Code, the provisions of the Florida Building Code shall apply.

9. Any swimming pool or wading pool used by a child care facility must be constructed and operated, at a minimum, in compliance with Chapter 64E-9, Florida Administrative Code, Public Swimming Pools and Bathing Places, or its successor provisions, and the Florida Building Code, Chapter 4, Special Occupancy: Section 424, Swimming Pools and Bathing Places, as amended or replaced. Should there be a conflict between Chapter 64E-9, Florida Administrative Code, Public Swimming Pools and Bathing Places, or its successor provisions, and the Florida Building Code, Chapter 4, Special Occupancy: Section 424, Swimming Pools and Bathing Places, the Florida Building Code shall apply.

10. Drop-in child care facilities shall be exempt from the requirement for outdoor play space. However, where outdoor play space is provided, it shall meet the requirements for child care facilities as set forth herein.

11. Facilities that only provide nighttime care are exempted from the outdoor play space requirement. An open area designated within the existing indoor floor space must be available for play that promotes the development of gross motor skills must be available. Such indoor play space shall be in addition to the thirty-five (35) 35 square feet per child indoor space requirement, and shall total no less than one thousand (1000) square feet. Where such facilities provide an outdoor play area such outdoor play area shall be consistent with Article X (C) (1—9) of these rules. Additionally, such outdoor play areas shall be equipped with adequate lighting.

12. An indoor recreational facility is exempt from the minimum outdoor-square-footage-per-child requirement specified herein, if the indoor recreational facility satisfies the requirements of Article X (B) (2) herein. Where the indoor recreation facility has less than 3,000 square feet of useable indoor floor space, an outdoor play area shall be provided. Such outdoor play area shall be consistent with Article X (C) (1—9) of these rules.

13. A facility offering before and after school programs only, and providing services to school age children in the 6th grade or above for a duration of four hours or less, need not meet the outdoor playground space requirements, provided that the location, layout, and arrangement of the facility meet all local building, zoning, and fire safety requirements for the intended use, and shall allow for effective emergency evacuation of the full capacity of the building as verified in writing by the Fire Safety authority having jurisdiction.

D. C. Napping/Sleeping Space, Bedding & Linens.

For the purpose of these rules, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

1. Each facility must include a designated area where a child can lie down to rest or nap. Facilities offering only one half-day programs and those programs involving only school-aged children are not required to provide an area where a child can lie down, but must provide an area where a child can sit quietly to rest or nap. The capacity of napping space must be a minimum of twenty (20) 35 square feet of usable space per child at any one time. Napping space and usable indoor floor space may be used interchangeably.

- 3339 2. Individual bedding must be provided for each child for use when napping or
3340 sleeping and maintained in a safe and sanitary manner. Bedding shall be
3341 appropriate for the child's size. Towels are not to be used as mats. Bedding
3342 means a cot, bed, crib, or mat at least one (1) inch thick, with an
3343 impermeable, easily cleanable exterior surface. Playpens may ~~not~~ only be
3344 used for napping. Facilities offering only half-day programs are not required
3345 to provide cots or mats.
- 3346 3. ~~2-~~ Bedding shall be sanitized at least daily or more frequently as needed.
3347 Cots and mats shall be sanitized on a weekly basis, or more frequently as
3348 needed, where individual cots and mats are assigned to specific children for
3349 use. In this case, the facility shall maintain on site a current record of
3350 bedding assignments.
- 3351 4. ~~3-~~ Linen, if used, shall be individually labeled, and laundered at least once
3352 each week and more often if necessary. Linen, if used for more than one (1)
3353 child shall be laundered between usage. Where clothing or items are
3354 provided for dress-up play, these items shall be laundered following each
3355 child's usage if necessary, and at least once weekly. Such items shall be
3356 easily cleanable or machine washable, in safe condition, and stored in an
3357 orderly sanitary manner.
- 3358 5. Linen must be provided when children are sleeping, and pillows and blankets
3359 must be available when appropriate.
- 3360 6. Linens, when not in use, must be stored in a sanitary manner which prevents
3361 the spread of germs or lice from other linens.
- 3362
- 3363 7. ~~4-~~ A minimum distance of eighteen (18) inches must be maintained around
3364 individual napping and sleeping spaces. Napping space shall not be under
3365 furniture or against furniture that may create a hazard. Exit areas must
3366 remain clear in accordance with fire safety regulations.
- 3367
- 3368 8. ~~5-~~ No double or multi-decked cribs, cots or beds ~~may~~ shall be used. As of
3369 December 29, 2012, the use of drop-side cribs is prohibited.
- 3370
- 3371 9. ~~6-~~ Infants up to one (1) year must rest or nap individually in their own crib;
3372 ~~the sides of which must be raised and secured while an infant is in the crib.~~
3373 Bar spacing may not exceed two and three-eighths inches. Cribs must meet
3374 the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code
3375 of Federal Regulations, as amended or replaced.
- 3376
- 3377 10. ~~7-~~ Pillows and sleep positioners in infants' cribs are prohibited. Blankets, if used,
3378 shall be arranged so that infants' upper bodies remain visible to staff at all
3379 times. Crib bumpers and crib bumper pads shall not be used.
- 3380
- 3381 11. ~~8-~~ When napping or sleeping, young infants that are not capable of rolling
3382 over on their own should be positioned on their backs and on a firm surface
3383 to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an
3384 alternate position is authorized in writing by a physician. This documentation
3385 shall be maintained in the child's record.
- 3386

3387 **E. D. Toilet and bath facilities.**

3388

- 3389 1. When in operation, each child care facility shall be provided with conveniently located
3390 toilet and bath facilities for the exclusive use of the child care facility.
- 3391
- 3392 2. Lavatories may be located immediately adjacent to toilet rooms. Lavatories in
3393 kitchens and infant rooms are to be supplied with hot and cold running water.
- 3394
- 3395 ~~3.~~ 2- Newly constructed and extensively renovated facilities shall satisfy the bathroom
3396 ratios as specified in the Florida Building Code, currently adopted edition.
- 3397

- 3398 4. ~~2-~~ Existing facilities previously approved to have a minimum of two (2) toilet rooms,
3399 each with a commode and lavatory sink supplied with running water, with an
3400 additional bathroom with toilet and lavatory for each additional thirty (30) children
3401 or fraction thereof, may continue as approved, subject to the building authority
3402 having jurisdiction.
- 3403
- 3404 5. ~~2-~~ Existing facilities going through change of ownership or capacity increase not
3405 involving extensive renovation, may continue as previously approved, subject to the
3406 Building and Fire departments having jurisdiction. Such facilities shall provide
3407 written verification of approval from these agencies to continue at the lower
3408 toilet/lavatory ratio on a form as prescribed by the Department.
- 3409
- 3410 ~~2. Newly constructed and extensively renovated facilities shall satisfy the bathroom~~
3411 ~~ratios as specified in the Florida Building Code, currently adopted edition.~~
- 3412
- 3413 6. ~~2.~~ All toilet seats shall have be of the open front type.
- 3414
- 3415 7. ~~2.~~ Soap and towel dispensers shall be provided at all lavatories and liquid or
3416 powdered soap shall be used.
- 3417
- 3418 8. ~~2.~~ No toilet room may open into a room in which food is prepared.
- 3419
- 3420 9. ~~2-~~ Newly constructed facilities, extensively renovated facilities, or facilities providing
3421 a change in service, including change of ownership, must provide a sink supplied
3422 with hot (not to exceed 110 degrees Fahrenheit) and cold running water, soap and
3423 towel dispenser and a diaper changing table with an easily cleanable impervious
3424 surface for children who are over twenty-four (24) months of age and are not toilet
3425 trained.
- 3426
- 3427 a. ~~Such~~ The hand wash sink shall be immediately adjacent or in close
3428 proximity to the diaper change table, shall be at adult height (rim at 32 –
3429 34 inches above the floor surface) not be accessible ~~to~~ for use by
3430 children, and shall be used exclusively for staff's hand washing following
3431 diaper changing activities.
- 3432 b. This diaper change area shall be located in the classroom, an adjoining
3433 toilet room, or area designated for two (2) year olds.
- 3434 c. A ~~lidded~~, plastic lined waste receptacle with a close-fitting lid, which is not
3435 accessible to children, shall be provided for the disposal of soiled diapers.
3436 This shall be emptied and sanitized at least daily.
- 3437
- 3438 10. ~~3-~~ Where the indoor play space also serves as the dining area, and the children are
3439 closely supervised while using toilet and bath facilities, a toilet facility may open
3440 directly into areas where food is served.
- 3441
- 3442 11. ~~4.~~ Toilets, bath facilities, and wash basins shall be easily accessible, and at a height
3443 usable by the children. Platforms are acceptable when safely constructed, with an
3444 impervious surface that can be easily cleaned and disinfected ~~constructed at a level~~
3445 ~~as to allow the children to conveniently use them. If toilets or wash basins are not~~
3446 ~~installed at this level, a platform shall be constructed. Platforms must be of safe~~
3447 ~~construction, nonporous covering, and easily cleanable.~~
- 3448
- 3449 12. ~~4-~~ Each basin and toilet must be maintained in good operating condition, and
3450 cleaned and disinfected ~~sanitized~~ at least daily or more frequently as needed.
- 3451
- 3452 13. ~~5-~~ At least one (1) portable or permanent bath facility shall be available for bathing
3453 children. The portable or permanent bath facility shall be cleaned and must be
3454 sanitized or disinfected after each use.
- 3455 14. ~~6-~~ Running water, dispensers containing toilet paper, disposable towels, ~~and~~ liquid
3456 or powdered soap, and trash receptacles shall be available and within reach in all

bathrooms, including those designated for staff use. ~~Disposable towels are preferable, but if they are not used, no child or caregiver may share the same towel.~~ Hand drying machines are prohibited for use in bathrooms designated for children.

15. ~~7.~~ Adult lavatories and toilet facilities must be provided and separated from those used by children in child care facilities at the time of construction, renovation or change of ownership. Adults shall not use lavatories and toilet facilities designated for children's use. Hand drying machines that are properly installed and maintained in good working order may be used instead of towels in bathrooms designated for staff use.

F. ~~E.~~ Isolation areas.

1. A suitable isolation room or area, adequately ventilated and heated, shall be provided for the temporary isolation of children with communicable diseases or who are displaying signs of illness and are waiting to be picked up by the parent or guardian. This room or area is to be conveniently located so that the sick child has easy and quick access to hand washing and toilet facilities ~~and must be in an easily observable location.~~
2. ~~Such an~~ The isolation area or room must be provided with a cot, mat, or bed made of materials that can be sanitized easily.
3. After each use linens must be changed and washed, and disposable items must be changed and discarded. Until cleaned or ~~disposed~~discarded, used linens and disposables shall be kept in a closed container within the isolation area.
4. An isolated child must be within sight and hearing of a staff person at all times and carefully observed for worsening conditions.
5. In facilities where specialized child care for mildly ill children is provided, isolation rooms or areas shall comply with the additional requirements set forth in Article XIX (B) of these rules.

G. ~~F.~~ Fire safety and Emergency planning.

1. All child care facilities shall conform to state standards prepared by the state Fire Marshal: Chapter 69A-36, Florida Administrative Code, Minimum Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities, as amended or replaced, ~~with the exception of licensed school age child care programs in public school facilities, which shall comply with Chapter 69A-58, Florida Administrative Code, Fire Safety Standards For Educational and Auxiliary Facilities, as amended or replaced and shall be inspected annually.~~ A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the ~~licensing agency~~ Department.
2. There ~~must~~ shall be at least one (1) operable ~~corded~~ landline or Voice over Internet Protocol (VoIP) telephone or similar two-way communication device in the child care facility and, if indicated, additional telephones or extensions to summon help in case of fire or other emergencies, All telephones must be operable even in the event of a power outage. Coin-operated and locked telephones shall be prohibited. Telephones shall be located so as to be easily accessible from all parts of the building, and shall be available to staff during the hours of operation. Telephone systems that work only when a computer is turned on and internet connection is established is not acceptable to meet this requirement.
3. ~~2.~~ All emergency telephone numbers, including fire, police, Regional and National Poison Control phone numbers, Florida Abuse Hotline, Department, and ambulance shall be posted conspicuously at each land-line telephone location.

3515
3516

Regional Poison Control Center	Tampa General Hospital 1-800-282-3171 If 1-800 is busy, call (813) 253-4444 OR National Poison Control Center
National Poison Control Center	1-800-222-1222
Emergency Number (Fire, Police & Medical)	911
Florida Abuse Hotline	1-800-96-ABUSE 1-800-962-2873
Palm Beach County Health Department	North & Central County Area: 561-355-3018 837-5900 South County Area: 561-274-3187 Glades Area: 561-996-1633

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3. Emergency Evacuation Plan:
The facility shall prepare an Emergency Evacuation Plan including a diagram of safe routes by which staff and children may exit each area of the facility in the event of fire or other emergency requiring evacuation. ~~and The plan must be posted~~ conspicuously a copy of the plan in each room of the facility.
4. Emergency Preparedness Plan For Response To Violent Weather:
~~To assure the safety of children, the Each facility shall develop a written Emergency Preparedness Plan For Response To Violent Weather including, to include, at a minimum, procedures to be taken by the child care facility during fire, lockdown, evacuation of the area, and inclement weather. but not limited to, lightning, tornado, hurricane, thunder storm and hail storm.~~ The plan shall identify weather conditions requiring action and supply a response appropriate to the weather condition. Each plan shall specifically include immediate removal of all children from outdoor play areas during rainfall or whenever lightning is visible on the horizon or thunder is audible. Each plan shall include taking and recording attendance of children in the event of evacuation or relocation. Each plan shall include responses to violent weather during field trips and transportation of children. This plan shall be available on site for review by the Department.
5. Fire drills shall be conducted monthly. periodically, but and not less than 30 days apart month..
 - a. Fire drill must be conducted on various days and at times when children are in care, including naptime.
 - b. A current attendance record must accompany staff out of the building during a drill or evacuation, and be used to account for all children.
 - c. At least one fire drill per year must be conducted using an alternate evacuation route.
 - d. At least one fire drill per year must be conducted in the presence and at the request of the Department in coordination with the operator or designee.
 - e. The operator shall maintain a written record of fire drills showing the date, time, number of children and staff in attendance, evacuation route used, time taken for all individuals to evacuate the premises, and any unusual findings or problems encountered. This record must be maintained for not less than one year from the date of the drill.

- 3557 6. A fire plan shall be posted conspicuously in each occupiable room, hallway or
3558 area, and near each telephone
- 3559
- 3560 7. Emergency preparedness drills shall be conducted when children are in care.
3561 Each drill, excluding the fire drill, outlined in the Emergency Preparedness Plan
3562 must be practices at least one time per year, documentation of which must be
3563 maintain at the facility for one year. A current attendance record must
3564 accompany staff during the drill or actual emergency, and must be used to
3565 account for all children.
- 3566
- 3567 8. The facility shall maintain and post in a conspicuous location a written record of
3568 emergency preparedness drills showing the type of drill, date and time
3569 conducted, number of children and staff in attendance, and time taken for all
3570 individuals to complete the drill.
- 3571
- 3572 9. Documentation of conducted fire and emergency preparedness drills must be
3573 available at the facility at the time of inspection. Documentation produced after
3574 the inspection shall not meet the licensing standard or corrective action
3575 requirements.
- 3576
- 3577 10. ~~5-~~For drop-in child care, there shall be established and continuously maintained
3578 some form of direct communication, such as a pocket pager, beeper or public
3579 announcement system to enable the facility to immediately contact the parent
3580 of a child in care should the need arise. This communication system shall be
3581 operable even in the event of a power outage.
- 3582
- 3583 11. ~~6-~~After a fire or natural disaster, the operator must notify the licensing agency
3584 Department within twenty-four (24) hours, in order for the Department to
3585 ensure minimum health and safety standards are being met for continued
3586 operation. In the event that the Department is not accessible by routine access
3587 phone numbers, the operator shall contact A. G. Holley Hospital or the Palm
3588 Beach County Emergency Operations Center for further information.
- 3589
- 3590 12. ~~7-~~In the event that a state of emergency is declared for Palm Beach County,
3591 the Department shall have the authority to enact appropriate interim policies
3592 and procedures to ensure the health, safety, and well-being of children in care.
- 3593

3594 **G. H-Additional Requirements for Infant care.**

3595

- 3596 1. The care of infants shall be conducted in a separate room with hand washing
3597 facilities supplied with hot (not to exceed 110 degrees Fahrenheit) and cold
3598 running water (diaper changing sink), soap and paper towel dispensers, and a
3599 diaper changing table with an easily cleanable impervious surface.
- 3600 2. ~~1. Such~~The diaper change hand wash sink shall be immediately adjacent or in
3601 close proximity to the diaper change table and shall not be accessible to
3602 children.
- 3603 3. ~~1. This~~The infant room ~~is to~~ shall have, at a minimum, two (2) exits, one (1)
3604 opening directly to the outside. In the event of change of in ownership, any
3605 new construction, extensive renovation, relocation or addition of an infant room
3606 in which care is to be provided to infants older than 12 months, the facility shall
3607 provide a child size commode and lavatory which shall be in, across from or
3608 adjacent to the infant room. The commode and lavatory are to be solely for
3609 infant use.
- 3610 4. ~~1. In facilities where only infants are cared for that provide only infant care,~~
3611 there need be only one (1) commode plus two (2) lavatories, supplied with hot
3612 and cold running water for each thirty (30) infants or fraction thereof. The
3613 number of bathrooms required is subject to the county or municipal building
3614 department having jurisdiction.

- 3615 5. ~~1.~~Potty chairs, if used, shall be in addition to the toilet requirements, and shall
3616 be cleaned and sanitized or disinfected after each use.
- 3617
- 3618 6. ~~2.~~When infants or children in diapers are in care, a diaper changing table with
3619 an impermeable surface shall be provided. The diaper changing surface shall
3620 be replaced or cleaned with a sanitizing solution after each use. If a disposable,
3621 impervious covering is used, this covering shall be properly discarded after each
3622 use.
- 3623
- 3624 7. ~~3.~~The diaper changing area shall be located separate from the food
3625 preparation, food service, and feeding areas. In addition, items unrelated to
3626 diaper changing shall not be stored in the diaper changing area, nor shall they
3627 be placed on the diaper changing table. The diaper changing sink shall not be
3628 used for washing, rinsing, or storing bottle or other food utensils.
- 3629
- 3630 8. ~~4.~~There shall be an adequate supply of clean diapers, clothing and linens at all
3631 times. Wet or soiled clothing and linens shall be changed promptly.
- 3632
- 3633 9. ~~5.~~Soiled disposable diapers shall be disposed of stored in a plastic lined secured
3634 covered container which is not accessible to children. The container shall be
3635 emptied and sanitized or disinfected at least daily.
- 3636
- 3637 10. ~~6.~~Soiled, reusable diapers shall be emptied of feces in the toilet and placed in a
3638 secured covered container which is not accessible to children. The container
3639 shall be emptied and sanitized or disinfected at least daily.
- 3640
- 3641 11. ~~7.~~In the event of a change in ownership, any new construction, renovation of
3642 an infant room, or change of use to an infant room, a service utensil sink shall
3643 be installed in the infant room. The service utensil sink shall be separate from
3644 the diaper changing sink, located outside the diaper changing area, and shall be
3645 provided with hot and cold running water. The service utensil sink shall not be
3646 used for handwashing or any other Activities related to diaper changing, and
3647 shall not be accessible to children. shall not utilize the service utensil sink.
- 3648

3649 **I. H. Equipment -- Indoor and outdoor, furnishings and supplies.**

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3651 A child care facility shall have equipment, furnishings and toys which are safe and can
3652 be maintained in a sanitary condition. The furnishings and equipment shall be suitable
3653 to the size and age of the child. There shall be equipment and supplies available in
3654 order to provide activities to stimulate creative play and learning experiences, both
3655 indoor and outdoor.

3656

- 3657 1. All equipment must be installed safely and maintained in a safe and sanitary
3658 condition.
- 3659 2. Outdoor play equipment not designed to be moved by children must be firmly
3660 anchored so that they will not shift, lean, topple, or move from their foundation
3661 when pushed or pulled by adults, or used by children.
- 3662 3. Permanent or stationary playground equipment must have a ground cover or
3663 other protective surface under the equipment that provides resilience, and is
3664 maintained to reduce the incidence of injuries to children in the event of falls.
- 3665 4. Child care personnel shall check the surface temperature of outdoor play
3666 equipment to ensure that the equipment is safe before allowing children to use
3667 the equipment. The surfaces of metal or plastic equipment may absorb heat
3668 from sunlight to reach high surface temperatures causing burns to children using
3669 the equipment. Similarly, outdoor equipment surfaces may become so cold as to
3670 cause severe discomfort or frost-bite.

- 3671 5. ~~1.~~ Play equipment: ~~M~~aintenance shall include routine checks at least monthly,
3672 of all supports above and below ground, all connectors, and moving parts. The
3673 facility shall maintain documentation of such routine maintenance checks for a
3674 period of not less than one (1) year, and shall make such records available to the
3675 Department upon request.
- 3676
- 3677 6. ~~2.~~ All equipment, furnishings, fences, and other objects on the facility's premises
3678 shall be free of sharp or jagged edges, and shall be properly placed to prevent
3679 overcrowding or safety hazards in any one area.
- 3680
- 3681 7. ~~3.~~ All equipment used in the outdoor area shall be constructed and maintained to
3682 allow for water drainage.
- 3683
- 3684 8. Use of water bearing tables by two (2) or more children is prohibited. Water
3685 play is allowed when individual containers are provided for each child, and
3686 containers are cleaned and sanitized between uses by each child.
- 3687
- 3688 9. Sand or sawdust boxes used in outdoor play areas shall be constructed to allow
3689 for drainage and maintained in a safe and sanitary condition. Sand and sawdust
3690 boxes must be covered with durable and well-maintained covers when not in
3691 use.

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ARTICLE XI. PREPARATION AND FOOD SERVICE REQUIREMENTS

- A. All licensed facilities shall meet requirements as specified in Chapter 64E-11, Florida Administrative Code, as amended or replaced, and other applicable state and local regulations, which relate to food preparation and food services, and must have an approved inspection report by the Department. This includes facilities involved in the Federal Food Program, and facilities, which bulk-dispense or otherwise prepare food for service. In addition, the following shall also apply:
1. All cooking equipment must be provided with a hood, fan, filters and fire extinguishing equipment in compliance with applicable building and fire codes.
 2. Catering service is acceptable as defined in Chapter 64E-11, Florida Administrative Code, as amended or replaced.
 3. Facilities constructed after September 22, 1996 must have a dispensing pantry consisting of a three-compartment sink, hand washing sink supplied with hot and cold running water, soap and towel dispenser and a refrigerator.
 4. Where there is food preparation and or bulk dispensing, there shall be at least one person on staff with primary responsibility for food preparation, and who has completed and has current, the Food Manager's Certification, with evidence of certification on file at the facility. Pursuant to Chapter 64E-11, Florida Administrative Code, as amended or replaced, such person or persons shall complete this certification within ninety (90) days from the date of appointment. Such person or persons shall be on site at the facility at all times during food preparation and food dispensing activities.
 5. Dishes shall have smooth, hard, glazed surfaces and shall be free from cracks or chips. Sharp-edged plastic utensils intended for use in the mouth, or dishes that have sharp or jagged edges shall not be used. Disposable tableware, such as plates, cups, and utensils, may be used provided that they are made of heavy weight paper or food grade plastic. Such disposable items shall be permitted for single use only and shall not be re-used. Styrofoam tableware shall not be used for children under four years of age.
 6. The temperature of foods catered to the facility shall be checked at the time of delivery, and recorded in a logbook. Foods delivered at non-safe temperatures shall not be served. The temperature of foods to be served shall be checked with a working food-grade, metal probe thermometer. ~~The facility shall record the food temperatures in a logbook.~~ Such logs shall be available to the Department's representatives. Hot foods shall be held at 140 degrees Fahrenheit or above, and cold foods shall be held at 41 degrees Fahrenheit or lower, pursuant to Florida Administrative Code, Chapter 64E-11, as amended or replaced.
- B. The following regulations are an exception to Chapter 64E-11, Florida Administrative Code, as amended or replaced, but are approved for child care facilities:
1. Approved for child care facilities is a three-compartment sink or a two-compartment sink and dishwasher with an effective automatic sanitizing cycle. Machine sanitation can be accomplished by the use of chemical solutions, hot water, or hot air. After bacterial treatment, utensils shall be air dried and properly stored. Other types of devices may be approved by the Department.

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2. All milk and fluid milk products for drinking purposes shall be pasteurized and shall be purchased and served from the original containers in which they were packaged at the milk plant.
3. Children may be allowed in the food preparation area for educational purposes and if provided direct and constant supervision.
4. ~~A child care facility, which operates in an occupied residence, is exempt from Chapter 64E 11.008, Florida Administrative Code as amended or replaced, which requires no direct opening between living quarters and a food service establishment.~~

ARTICLE XII. NUTRITION

1. ~~A.~~ If a facility provides meals or snacks, it shall provide enough nutritious foods to meet the nutritional needs of the children served. Facilities shall provide meals and snacks of a quantity and quality so that the daily nutritional needs of the children are met. The USDA *MyPlate* and *Dietary Guidelines for Americans, 2010*, which are Food Guide Pyramid for Young Children, March 1999, incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one two years of age and older. The ~~fats and sweets category within the USDA Food Guide Pyramid for Young Children categories "oils" and "discretionary calories" cannot be counted as a food groups.~~ Copies of the Information about the USDA MyPlate Food Guide Pyramid for Young Children may be found at: <http://www.choosemyplate.gov/> ~~obtained from the Department.~~ Using the USDA Food Guide Pyramid for Young Children MyPlate, breakfast shall consist of at least three (3) different food groups, lunch and dinner shall consist of at least four (4) different food groups, and snacks shall consist of at least two (2) different food groups. Recommended meal patterns to meet these standards are furnished by the Department as a guide for the operator. If a facility chooses to serve breakfast and lunch, milk must be served with at least one of the meals provided. If a facility chooses to serve dinner, milk must be served with this meal.
2. ~~B.~~ Nutrition Plan. There shall be a written agreement signed by the parent and operator and kept on file at the facility with a copy given to the parent. This agreement shall define the responsibilities of the parent and the operator for meeting the child's nutritional needs. If meals and/or snacks are furnished by the child's parents, this alternate nutrition plan shall be indicated in the written agreement.
3. ~~C.~~ Meal schedules may vary based on the duration of time the child is in care, but shall be at a minimum as follows:
- i. Children in care for eight (8) and fewer hours shall be offered at least one (1) meal and two (2) snacks, or two (2) meals and one (1) snack;
 - ii. Children in care for more than eight (8) hours shall be offered at least two (2) meals and two (2) snacks, or three (3) snacks and one (1) meal;
 - iii. Children shall be offered food at intervals at least two (2) hours apart and not more than three (3) hours apart unless the child is asleep.
 - iv. All facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack in addition to the number of meals necessary to meet the child's nutritional needs as stated in Article XII (A) above. Such snacks shall be served regardless of whether they are eligible for reimbursement under the Federal Food Program.
 - v. Mid-morning snacks may be deleted if breakfast is served, provided that the routine mid-morning snack period is two (2) hours or less away from the time that breakfast is served. Young infants may require to be fed at shorter intervals than every two (2) hours to meet their nutritional needs, and shall be fed accordingly.
 - vi. For drop-in child care, where children are in care for three (3) or more hours, a nutritious snack shall be provided.

- 3816 4. ~~D~~—Arrangements shall be made between the operator and parent for a child's
3817 modified diet when prescribed by a physician. The physician's order and a copy of
3818 the diet shall be in the child's records.
- 3819 5. If a custodial parent or legal guardian informs the child care facility that the child has
3820 any food allergies, written documentation must be maintained in the child's file for
3821 as long as the child remains in care. All staff members must be informed about any
3822 special food restrictions, and the information must be posted in a conspicuous
3823 location.
- 3824
- 3825 6. E—Meals and snack menus shall be planned, written and posted at the beginning of
3826 each week. Menus shall be dated and conspicuously posted on a weekly basis in the
3827 food service area and accessible to parents. Any menu substitution shall be posted
3828 and entered on a log book used for this purpose.
- 3829
- 3830 7. ~~F~~—Infants shall be individually fed or supervised at feeding and offered foods
3831 appropriate for their age. Formula and beverage shall be prepared, individually
3832 labeled and capped by the parent. Alternatively, formula and beverage for infants
3833 may be prepared, labeled and capped by the facility staff. Where the facility
3834 provides the formula and beverage, only pre-mixed, ready-to-feed formula and
3835 beverage may be utilized, and the facility shall meet the requirements as set forth in
3836 Article XI of these rules. The child care facility shall refrigerate and handle the
3837 formula and/or beverage in a sanitary manner. There shall be no propped bottle for
3838 infants and no mechanical devices used for feeding.
- 3839
- 3840 Cereal shall not be mixed with formula in infant bottles unless directed by a
3841 physician. The physicians order shall be kept in the child's file.
- 3842
- 3843 8. G—Microwave ovens shall not be used for directly warming bottles. Microwave ovens
3844 may be used to warm water in a separate container for placing the bottle in the heated
3845 water to obtain a safe and desired temperature, provided that the container of water is
3846 no more than one hundred and twenty (120) degrees Fahrenheit. Alternatively, bottles
3847 and infant foods may be warmed under running warm tap water.
- 3848
- 3849 If a slow-cooking device, such as a crock pot is used for warming infant formula, human
3850 milk, or infant food, this slow cooking device shall not be accessible to children, and
3851 shall contain water that does not exceed one hundred and twenty (120) degrees
3852 Fahrenheit, and shall be emptied, sanitized, and refilled with fresh water at least daily.
3853 After warming, bottles and heated foods shall be mixed gently and the temperature of
3854 the contents tested before feeding to prevent injury to children. A caregiver shall not
3855 hold an infant while removing a bottle or infant food from the container of warm water
3856 or while preparing a bottle or stirring infant food that has been warmed. All
3857 cooking/warming devices shall be inaccessible to children.
- 3858
- 3859 9. ~~H~~—Facilities shall provide sufficient seating at tables, such as chairs and benches, so that
3860 all children while eating can sit at tables for meal time and snack time.
- 3861

ARTICLE XIII. MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES

A. First aid.

1. At least one first aid kit must be maintained on the premises of the child care facility at all times. Child care staff must take a first aid kit with them on all field trips. A first aid kit must be in the vehicle at all times during transportation of children.
2. Each first aid kit shall be in a closed container, labeled "First Aid," and kept in a designated location where it is easily accessible for child care personnel.
3. ~~1. There shall be first-aid supplies—~~ Each first aid kit must, at a minimum, contain soap, band-aids or equivalent, sterile gauze squares and rolls, cotton balls or applicators, adhesive tape, thermometer, tweezers, blunt tipped scissors, pre-moistened wipes, — and a minimum of ~~two (2)~~ four (4) disposable medical examination gloves maintained in a puncture proof protector, and. These supplies shall be kept in a covered container which is labeled "First Aid" and kept in a designated location. A current resource guide on first-aid and CPR procedures shall also be accessible. A first-aid kit must also accompany child care staff when children are participating on field trips and all transportation.
4. ~~2- Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where the child shall receive necessary attention until the child is ready to return to the group.~~

B. Emergency procedures.

1. Written permission for emergency health care or treatment of the child must be obtained from the parent, including the names, addresses and telephone numbers of the child's physician, the hospital-of-choice to be called in case of emergency and three (3) responsible adults the operator can contact in case the parents are not available.
2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child, and their specific instructions regarding action to be taken under such circumstances shall be obtained, followed, and documented in the child's file. If the custodial parent or legal guardian cannot be reached, the operator shall contact those persons designated by the custodial parent or legal guardian on the enrollment form. ~~Parents shall be notified immediately of any unusual incident or illness or injury to the child in the facility and their specific instructions regarding action to be taken shall be obtained and documented in the child's file. In cases of emergency, if the parents cannot be reached, the operator will contact those sources designated on the emergency form.—~~
3. Child care personnel must call 911 immediately in the event a child sustains any serious injury, illness, accident, or other emergency, such as the child being missing.
4. All accidents and incidents which occur at a facility or while a child is in the care of the facility staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian. The documentation must be maintained for one year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

- 3918 5. ~~3-~~ Any unusual incident involving the child which may be reasonably construed to
3919 constitute abuse and/or neglect shall be reported to the Abuse Hotline at 1-800-96
3920 ABUSE immediately, and to as well as the Department within twenty-four (24) hours
3921 of occurring. In addition, child care personnel who know, or have reasonable cause
3922 to suspect, that a child is abused, abandoned, or neglected by a parent, legal
3923 custodian, caregiver, or other person responsible for the child's welfare shall report
3924 such knowledge or suspicion to the Abuse Hotline, as well as local law enforcement,
3925 and to the Department.
- 3926
- 3927 6. Acts or omissions that meet the definition of child abuse or neglect provided in
3928 Chapter 39, Florida Statutes, constitute a violation of these rules and regulations,
3929 and shall support imposition of a sanction, as provided in Article XXI.
- 3930
- 3931 7. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201,
3932 F.S., constitutes a violation of these rules and regulations.
- 3933

3934 **C. Medication.**

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3936 For child care facilities that administer medication to children in care, the following
3937 shall apply:

- 3938 1. Only prescription medication is to be dispensed administered by the child
3939 care facility. ~~The name of the doctor, child and medication directions for~~
3940 ~~administration shall be written on the label. All medication shall be in the~~
3941 ~~original prescription container. A written request signed by the parents shall~~
3942 ~~accompany the medication stating the time and amount of dosage and the~~
3943 ~~name of the medication to be given to the child. The child care facility shall~~
3944 ~~record the name of the child, medication, date, time, amount and method of~~
3945 ~~dosage administered. This record shall be initialed by the adult who~~
3946 ~~administered the medication.~~
- 3947 2. Prescription medication brought to the child care facility by the custodial
3948 parent or legal guardian must be in the original container. Prescription
3949 medication must have a label showing the name of the physician, child's
3950 name, name of the medication, dosage, and other medication directions. All
3951 prescription medication shall be dispensed according to written directions on
3952 the container label.
- 3953 3. The facility must have written authorization from the custodial parent or legal
3954 guardian to dispense prescription medication. The written authorization
3955 must be dated and signed by the custodial parent or legal guardian, and
3956 must contain the child's name, the name of the medication to be dispensed;
3957 and the date, time, method of administration, and dosage to be given.
- 3958 4. The facility must maintain a record for each child receiving medications that
3959 documents the full name of the child, the name of medication, the date and
3960 time the medication was dispensed, the amount and dosage, and the name
3961 of the person who dispensed the medication. This record shall be initialed by
3962 the child care personnel who administered the medication. The record shall
3963 be maintained for a minimum of four months after the last day the child
3964 received the dosage.
- 3965
- 3966 5. ~~2-~~ Medications shall have child resistant caps unless otherwise provided by
3967 the pharmacy or manufacturer.
- 3968
- 3969 6. ~~2-~~ Medications, stimulants, or other drugs shall be plainly labeled and stored
3970 in an orderly fashion in a key locked cupboard, box, or cabinet.
- 3971
- 3972 7. ~~2~~ Medications for external use only shall be kept in a separate area of the
3973 key locked box or cabinet, or area which is inaccessible to children. They
3974 shall be stored in such a way to prevent possible contamination.
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8. ~~2. Date expired medications shall not be dispensed or stored, but shall be returned to the parent. Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.~~
- D. Topical non-medicated physical barriers.**
- Physical barrier lotions, ointments and creams such as sunscreen, insect repellent, and diaper ointments are generally not medications. If the facility elects to allow use of these items, the facility must meet the following requirements:
1. Have a written policy governing their use. Parents must be made aware of such policy and have knowledge of its content. Such policy must include a requirement for written parental consent for application of a non-medicated physical barrier. The policies, at a minimum, must ensure compliance with the provisions of these rules and the standards contained herein.
 2. Obtain written authorization from the parent or legal guardian for applying the topical substance to a child.
 3. Any written authorization and verification that the parent or guardian is aware of the policy must be documented in the child's file.

ARTICLE XIV. COMMUNICABLE DISEASE CONTROL

A. Communicable diseases in children.

Any child who is suspected of having a communicable disease or who exhibits other signs and symptoms which include any of the following, shall be placed in an isolation area, and the condition shall be reported to the parent or guardian or other person authorized by the parent, and the child shall be removed from the facility as soon as possible. Such children can return to the child care facility when the following signs and symptoms are no longer present:

1. Severe coughing, causing the child to become red or blue in the face or to make whooping sound;
2. Difficult or rapid breathing;
3. Stiff neck;
4. Diarrhea (more than one (1) abnormally loose stool within a twenty-four-hour period);
5. Temperature of one hundred (100) degrees Fahrenheit or higher taken by the axillary method, especially when in combination with any other sign or illness;
6. Conjunctivitis (pink eye);
7. Untreated infectious skin patch(es);
8. Unusually dark urine and/or gray or white stool and yellowish skin or eyes;
9. Vomiting;
10. Pediculosis (head lice, nits); or
11. Any other unusual sign or symptom of illness.

Alternatively, such children who would normally be excluded from child care, may be admitted to facilities which provide specialized child care for mildly ill children, provided that the criteria set forth in Article XV (F) of these rules are met. Exception: A child who has head lice shall not be permitted to return until treatment has occurred. Treatment shall include the removal of all lice, lice eggs, and egg cases (nits).

B. Communicable diseases in employees and volunteers.

~~Anyone including household members if the facility is located in a private home, who is a carrier of a communicable disease, or who develops signs and symptoms of a communicable disease which include, but are not limited to, any of the signs and symptoms described in Section A above shall be isolated from other individuals and not return until the signs and symptoms are no longer present.~~

C. Communicable disease outbreaks.

1. Notification: Operators shall immediately notify the Department of any suspected outbreak of notifiable disease or other disease condition as per Chapter 64D-3, Florida Administrative Code, as amended or replaced. A suspected outbreak occurs when two (2) or more children or employees have the onset of a similar sign or symptoms (such as diarrhea, rash, etc.) within a seventy-two (72) hour period or when one (1) or more cases of a serious communicable disease, which includes, but is not limited to, hepatitis, measles, meningitis, diphtheria, German measles (rubella), whooping cough, tuberculosis, chicken pox, mumps, Salmonella, Shigella, Campylobacter, or Giardia intestinal infection is diagnosed or suspected in a child or employee.

2. Communicable disease emergency: The presence of any notifiable communicable disease shall permit the Director of the Department to declare a communicable disease emergency. The declaration of said emergency shall mandate that health and immunization records of all children in attendance and all employees be made available for inspection. The Director of the Department shall have the authority under Florida Statutes § 381.031, as amended or replaced, to require appropriate action to prevent the spread of such disease. This authority includes, but is not limited to, prohibiting attendance by a child or employee, restricting new admissions, or requiring immunization and is in keeping with recognized standards of medical and public health practice. In the event of non-compliance with the actions requested, the Director of the Department shall have the authority to quarantine the affected facility.

D. Appropriate Sanitizers

1. The Department recommends the use of chlorine bleach, appropriately diluted as an effective sanitizing agent. This solution shall be made by adding one (1) tablespoon of bleach to a quart of water, or one (1) quarter cup of bleach to a gallon of water. This solution shall be made fresh daily, with unused portions disposed of at the end of each day. This recommended bleach solution assumes use of bleach containing 5.25 percent sodium hypochlorite. Bleach with higher or lower concentrations of sodium hypochlorite will require different proportions of bleach and water to produce an effective sanitizing solution.
2. Alternate Other sanitizing or disinfecting agents may be used in accordance with the manufacturer's specifications, provided that such use renders the items ninety nine per cent (99.9%) germ free, and leaves no toxic residue. Where such alternative sanitizing agents are used, the facility shall obtain and keep on hand at the facility appropriate Material Safety Data Sheets (MSDS) for those products.
3. Sanitized items may be wiped dry with clean cloth or paper towel or allowed to air dry. Application of a sanitizer is not a substitute for routine cleaning. Effective sanitization requires prior cleaning or washing of surfaces to remove visible dirt.

E. Influenza Prevention

Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the the influenza virus. To assist providers DCF developed a brochure, CF/PI 175-70 , June 2009, Influenza Virus, Guide to Parents, which may be obtained from the DCF's website at www.myflorida.com/childcare

ARTICLE XV. ADMISSION, ASSESSMENT, AND RECORD KEEPING

A. Access to records.

At all times during operating hours a facility must allow the Department access to records required to be made or kept by these rules and regulations. This includes records for personnel, children and the facility. Copies of the required records are acceptable for documentation. Original documents are the property of the party providing the information.

B. Enrollment information.

Prior to providing care to a child, the operator shall obtain, update and keep current at the facility the following enrollment information from the child's parent or guardian, on CF-FSP Form ~~5012~~ 5219, Child Day Care Application for Center Enrollment Form ~~form~~, effective March ~~2009~~ ~~11~~, 1986, or an equivalent form.

1. The child's full legal name, birth date, current address and preferred name.
2. The name and address of the parents or guardians.
3. Telephone numbers or instructions as to how the parent may be reached during the hours the child is in the facility.
4. Names, addresses, and telephone numbers of persons sixteen (16) years of age or older authorized by the parent to take the child from the child care facility, and persons to be contacted who are authorized to remove the child from the facility in case of illness, accident or emergency if for some reason the parents cannot be reached.
5. The facility shall obtain written authorization from the parent or guardian to seek emergency medical treatment should the need arise. The name, address, and telephone number of a physician or health resource that can be called in case of emergency, and the parent's written permission to consult that physician or health resource if the parents cannot be reached.
6. If the child's condition requires it, a written plan must be on file at the child care facility. This plan will be developed with a cooperative effort between the child's parents, the operator and the supervising physician and/or other specialist. This plan shall specify the special needs and the special provisions, which will be made to meet the needs of the child in compliance with state and federal regulations.
7. The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the child care facility.
8. If the parent or legal guardian notifies the facility of any known allergies, written documentation shall be maintained in the child's file. In addition, such information shall be shared with the child's caregivers. Food allergies and special food restrictions must be posted in a conspicuous location.
9. Signed statements that the child care facility has provided the following information to parents:
 - (a) The "Know Your Child Day Care Center" child care facility brochure (CF/PI #175-24, English version or CF/PI #175-25, Spanish version) or the applicable local licensing agency's brochure. The statement included

in the brochure or an equivalent statement on the child's enrollment form must be used for this purpose.

(b) The child care facility's written disciplinary practices.

(c) The procedures for verification of a child's whereabouts, should the child not show for after-school or school age programs. Such information may be included in the policy handbook or on the enrollment form.

C. Health examination and immunizations.

1. *Health examination certificate:*

a. Upon admission, each child must have on file at the facility a written certificate of health examination, DH Form 3040, Student Health Examinations. The general health examination certificate shall be completed by a person given authority by Florida Statutes to perform health examinations. The examination shall have been performed within six (6) months prior to enrollment, (unless the child has transferred from another child care or family care facility) which would be current for two (2) years after the initial enrollment physical examination.

b. The certificate shall attest that the child is in good health or that any known medical condition or health problem is under treatment.

c. The certificate is valid for two (2) years from the date the physical was performed.

2. *Immunization certificate:*

a. Upon admission, each child must have on file at the facility a Florida Certificate of Immunization, DH Form 680, for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Hemophilus influenza type b (Hib), Hepatitis B, and varicella. The child care facility is responsible for obtaining and maintaining current and completed immunization information.

b. Immunizations appropriate to the child's age shall be up-to-date or in the process of being updated, as set forth in Article XV (C) (3) (b) (1) of these rules. The facility shall refuse admittance or temporarily exclude any child who is not in compliance with these provisions.

c. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice of the State of Florida and are referenced on DH Form 680.

d. Immunization records will be documented on forms approved and provided to physicians by the Department of Health. Immunizations received out of state are acceptable. However, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida. Immunization certification or medical exemption shall be entered on DH Form 680 parts A or B and/or C, and religious exemption shall be entered on DH Form 681.

e. Immunization records must be kept current.

- f. A valid Certificate of Immunization, DH Form 680 part A, shall be properly dated and signed by a physician or their authorized agent. A child in attendance with a medical exemption, must present or have on file the exemption, DH Form 680 part B or DH Form 680 part C. DH Form 680 part B may be signed by a physician or their designee. DH Form 680 part C must be properly dated and signed by a physician licensed under provisions of Florida Statutes, Chapters 458, 459, or 460, as amended or replaced.
- g. Notification to the affected parties of any changes to the DH Form 680 as a result of changes to the recognized standards of medical practice will be provided by the Department's immunization program and will become effective six (6) months following the notification to all child care facilities.
- h. Child care facility operators, on a quarterly basis, shall complete audits on the immunization status of all pre-school aged children enrolled at the child care facility. These audits shall be completed on forms provided by the Department. Completed forms shall be submitted to the Department no later than the 15th day of the first month of each quarter.
3. *Exemptions:*
- a. Health examination: For religious purposes only, any child shall be exempt from medical or physical examination upon written and signed request of the parent or guardian of such child; however, the laws, rules and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.
- b. Immunizations: A child whose parents or guardian has made application for admittance to the child care facility without being fully immunized according to recognized medical standards must present documentation of temporary medical, permanent medical, or religious exemption.
- 1) Temporary Medical Exemption, DH Form 680 part B, is used for a child who is not fully immunized but is in the process of completing the required immunizations and cannot receive any additional vaccine at that time.
- 2) Permanent Medical Exemption, DH Form 680 part C, is used for a child who is not fully immunized but for medical reasons cannot receive one (1) or more of the required vaccines.
- 3) Religious Exemption, DH Form 681, issued by the Department must be provided when the parent of the child objects in writing that the administration of immunization agents conflicts with his religious tenets or practices.
- c. When a child care facility serves school-aged children, the school requirements for health examination and immunization shall apply and records of such need not be on file at the child care facility.
- d. Medical records, i.e., Student Health Examinations, DH Form 3040 and the Certificate of Immunization, DH Form 680, become the property of the parents when the child withdraws from the child care facility and are transferable if the child attends another facility providing child care.
- e. Drop-in child care facilities shall be exempt from the requirement for the physical examination and immunization certificate. In lieu of these, at the time of drop-off, the facility shall obtain from the parent of the child, a signed statement attesting that the child is in good health, not suffering

from any communicable disease, and current in all required immunizations. The facility shall also obtain and maintain with this statement, a copy of the parent's photo- identification bearing current address. The facility shall ascertain from the parent that the address provided is correct. This shall be kept on record at the facility for a minimum of six (6) months.

D. Personnel records.

Personnel records shall be maintained at the child care facility, and kept current for the owner/operator, each employee of the facility, volunteers and substitutes. These records shall include:

1. An application including name, address and telephone numbers.
2. Reports of the required health examinations and tests (TB risk assessment and/or skin test, or Chest X-ray; and physical examination).
3. Person to contact in an emergency.
4. Position and date of employment.
5. Statement that the employee has completed the training in the identification and reporting of child abuse and neglect and understands the statutory requirements for professionals' reporting of child abuse and neglect. A copy of the department's form EHE-DC-009: Child Abuse & Neglect Reporting Requirements shall be read and signed at least annually by each child care personnel, and maintained in the personnel record.
6. Appropriate documentation that the person has been screened as specified herein, and in accordance with Chapter 435, Florida Statutes, as may be amended or replaced.
7. Copies of credentials and training information recorded on designated training forms that are provided by the Department.
8. Copies of driver's license and driver physical examination documentation. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.
9. Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement.
10. Child care facilities must maintain written documentation of directors' and other credentialed personnel's work schedules. Examples of written documentation are employee timesheets, personnel work schedules, and employment records.

E. Other records.

1) Attendance logs.

- a) Daily sign in and sign out of children shall be recorded by the child care facility personnel or the person who drops off the child, documenting the time when each child enters the facility or program. The custodial parent, guardian, or the authorized person who picks up the child shall be required to sign the child out, documenting the time the child was picked up. Persons authorized to pick up the child should be 16 years of age or older in keeping with Article XV(B)(4) of these rules.

b) An attendance log shall be maintained for each class or group. This log must contain the names of all children assigned to the class or group, and shall show all children present in the class or group, and those students absent from the class, at any given time.

e) To assure adherence to these rules, each child care facility, shall maintain and keep at the facility for no less than one (1) year, a daily attendance log ~~identifying by name all children attending the child care facility on that day~~ as well as a sign-in/sign-out log. ~~signed by the person who dropped off and picked up the child on that day.~~

d) Drop-in child care facilities shall also maintain a sign-in/sign-out daily attendance log, including day, date, time of arrival and departure, and signatures of the parent obtained at drop-off and pick-up.

e) Child care personnel shall ensure that attendance records are complete and accurate, since these records are important in accounting for children during emergency evacuations and other incidents.

2) Record of unusual incidents.

A written record of unusual incidents affecting the program of the facility including, but not limited to, accidental injuries to children, employees, and volunteers must be kept on file at the facility. ~~and The written report of the incident must be completed on the day the incident occurred, and shared with the parent of any affected child on the same day. of the occurrence.~~ The record shall include the name of the affected person, date and time of occurrence, description of event, actions taken and by whom, as well as appropriate signatures of staff. A signature of an affected child's parent or guardian shall be ~~procured~~ requested to verify that the parent or guardian saw and received a copy of the incident report. ~~, as soon as possible but not later than two (2) working the business days after the incident.~~

3) Record of fire drills.

A written record must be kept at the child care facility each month for a fire drill showing date, number of children in attendance and time taken to evacuate the premises, on a Fire Drill Record Form as provided by the Department. To assure accountability of all children in the child care facility, a current daily attendance log must accompany staff during a fire drill and in the event of an emergency resulting in the evacuation of the child care facility. The log is to be used to account for all children during a drill or actual evacuation. This record must be maintained for one (1) year. Drop-in child care facilities shall be exempt from this requirement but shall be required to have on file at the facility an emergency evacuation plan approved by the Fire Authority having jurisdiction, and shall maintain documentation on file of related training provided to child care facility staff.

4) Menus & Food Temperature Logs:

Records of menus served shall be placed on file at the facility and kept for a minimum of ~~one (1)~~ 6 months. Food Temperature logs shall be kept on file at the child care facility for a minimum of ~~one (1)~~ 6 months.

5) Daily Schedule:

A general daily time schedule for meals, snacks, nap, indoor and outdoor periods shall be conspicuously posted at the child care facility. Drop-in child care facilities shall be exempt from this requirement.

6) Field trips:

Each facility shall keep at the facility for no less than one (1) year a copy of each field trip manifest, parental permission slip, parental swimming consent, and such

other documents required to be retained pursuant to Article XVIII of these rules.

7) After School & School Age Child Care Programs - Attendance & Absentee Policy: Attendance should be taken for all children at the beginning of the program daily. They must be signed out upon leaving. Programs shall establish and maintain a written procedure for accountability when a child fails to show for the program.

8) Material Safety Data Sheets (MSDS)

These shall be obtained and kept on file at the child care facility for each sanitizing agents that may be used instead of bleach water solutions. MSDS sheets shall be kept on file for a period of twelve (12) months following the cessation of use of the product, should the facility revert to using bleach water solutions.

9) Where the child care facility utilizes bedding assignments, such record shall be available to the Department for review.

10) The most recent licensing inspection report shall be conspicuously posted in the reception area of the facility.

F) Admission and Assessment for Specialized Child Care for the Mildly Ill Programs

In addition to the admission and record keeping requirements set forth in Article XV (A) through (E), the following shall apply to facilities providing specialized child care for mildly ill children:

(1) General Requirements.

(a) A child care facility for mildly ill children shall have at a minimum an ongoing agreement with a Health Provider Consultant, as defined in these rules, for continuing medical or nursing consultation. The health provider consultant shall perform the following services:

- i. Oversee the development of written policies and procedures.
- ii. Review, approve, and update annually, such policies and procedures.
- iii. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures.
- iv. Provide ongoing consultation to the child care facility in its overall operation and management.

(b) A child care facility for mildly ill children shall have at a minimum one (1) licensed health caregiver, as defined in these rules. The licensed health caregiver shall be responsible for performing the written physical assessment, and periodic child evaluations, as set forth herein; provide ongoing daily oversight; make decisions as to the exclusion of any child; and be present at the facility at all times during the hours of operation.

(2) Admission.

(a) No child shall be accepted to a child care facility for mildly ill children without written parental permission. However, permission may be obtained by telephone if a child in attendance at a regular child care facility becomes mildly ill and is admitted to that same facility's program for mildly ill children. Where the child is in care under telephone permission, written parental permission must be obtained prior to the child's admittance to the program for mildly ill children the following day.

(b) The program director or licensed health caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and

- 4440 prognosis, if such evaluation is necessary to determine the appropriateness of a
4441 child's attendance prior to admission and upon worsening of the child's symptoms.
4442
4443
- 4444 (c) Prior to admission, the child care facility providing for mildly ill children exclusively
4445 shall require a written description, signed by the parent, of the child's current and
4446 recent illnesses; immunization history, habits, special diets, allergies, medication
4447 needs; symptoms requiring notification of parent or health care provider, and
4448 where and how the parent or health care provider is to be notified.
4449
- 4450 (d) An initial written physical assessment on each child shall be completed by the
4451 licensed health caregiver, as defined in these rules, based on the inclusion and
4452 exclusion criteria outlined herein to determine appropriateness of admission to
4453 the child care facility. A parent must remain on the premises until admission
4454 has been determined.
4455
- 4456 (e) The written physical assessment shall at a minimum include vital signs and
4457 observation of the child's general appearance, head, eyes, nose, mouth, ears,
4458 skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.
4459
- 4460 (f) Once admitted, children shall be periodically monitored by the licensed health
4461 caregiver and evaluated according to policies and procedures established and
4462 approved by the child care facility operator and the health provider consultant.
4463 Evaluations on each child's condition shall be documented, and shall include the
4464 following plus additional information that the facility operator and the health
4465 provider consultant may add if they deem it is necessary to evaluate the
4466 children:
4467
- 4468 1. Temperature
 - 4469 2. Respiration
 - 4470 3. Pulse
 - 4471 4. Amount of food or fluid intake
 - 4472 5. Color, consistency and number of stools
 - 4473 6. Color of urine and frequency of urination
 - 4474 7. Skin color and alertness
 - 4475 8. Activities such as amount of sleep, rest, and play
4476
- 4477 (g) The condition evaluations must be maintained in each child's record and
4478 retained by the facility for a minimum of four (4) months. Copies shall be
4479 provided to parents daily.
4480
- 4481 (h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a
4482 child care facility for mildly ill children, only if there is an isolation area as
4483 defined herein, and provided the isolation area has a separate outside entrance
4484 from the rest of the child care facility.
4485
- 4486 (3) Inclusions.
4487 A child care facility for mildly ill children may consider for admission, and accept
4488 children exhibiting illnesses or symptoms for which they can be excluded from child
4489 care provided for well children, but who do not meet exclusion criteria as outlined in
4490 these rules. Children exhibiting the following symptoms or illnesses, or disabilities, shall
4491 be deemed eligible to participate in child care facilities for mildly-ill children:
4492
- 4493 (a) Not feeling well, unable to participate in regular child care activities, or has
4494 other activity restrictions;
4495
 - 4496 (b) Recovering from prior day surgical procedure or hospital admission;
4497

- 4498 (c) Controlled fever of 102° F orally; 101° F axillary, or 103° F rectally, or below. If
4499 the child's temperature is higher than the temperatures listed above a physician
4500 must give written approval for admission; or verbal approval with written follow
4501 up for admission;
4502
4503 (d) Respiratory infections such as cold or flu virus;
4504
4505 (e) Vomiting less than three (3) times without dehydration;
4506
4507 (f) Diarrhea {more than one (1) abnormally loose stool within a twenty four (24)
4508 hour period} without signs of dehydration, and without blood or mucus in the
4509 stool;
4510
4511 (g) Gastroenteritis without signs of severe dehydration;
4512
4513 (h) Diagnosed asthma;
4514
4515 (i) Urinary tract infections;
4516
4517 (j) Ear infections;
4518
4519 (k) Orthopedic injuries;
4520
4521 (l) Diagnosed rash;
4522
4523 (m) Tonsillitis; or
4524
4525 (n) Strep throat or conjunctivitis after twenty four (24) hours of appropriate
4526 medication, if isolation is unavailable. Strep throat or conjunctivitis prior to
4527 twenty four (24) hours of appropriate medication is included only if isolation
4528 area is available.
4529

- 4530 (4) Exclusions.
4531 Any child exhibiting the following symptoms or combination of symptoms, shall be excluded
4532 from child care facilities for mildly ill children:
4533 (a) Unresponsive temperature of 104° F orally;
4534
4535 (b) Undiagnosed or unidentified rash;
4536
4537 (c) Respiratory distress;
4538
4539 (d) Major change in condition requiring further care;
4540
4541 (e) Contagious diseases, if no isolation room is available:
4542
4543 1. Strep throat or Conjunctivitis prior to twenty four (24) hours of
4544 treatment,
4545
4546 2. Diarrhea due to diagnosed Shigella, Salmonella, Rota-virus, Giardia,
4547 Campylobacter, or E. coli,
4548
4549 3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria,
4550
4551 4. Head lice, scabies prior to twenty four (24) hours of treatment, or
4552
4553 5. Other conditions as determined by the director or health provider
4554 consultant

ARTICLE XVI. CHILD CARE DURING NIGHTTIME HOURS

The minimum standards for child care facilities set forth herein shall continue to apply to child care facilities which offer care during nighttime hours (6 P.M. to 7 6 A.M.) with the additional application of the following standards as set forth in this section. For the purposes of this rule, night-time care is the equivalent of evening child care, as referenced in Florida Statutes 402.302(6).

- A. Prior to providing night-time care, a child care facility shall procure written approval of the Child Care Advisory Council subsequent to the recommendation of the Department.
- B. Children who have not been served an evening meal before arrival, must be served an evening meal that is consistent with these rules. Children who stay beyond 6 A.M. must be provided a morning meal consistent with these rules.
- C. Each child shall have a separate bed or cot with his own linens covering the bedding.
- D. It shall be an additional violation of these rules if children of the opposite sex, any one of which is over the age of six (6) years, are quartered in the same room without constant adult supervision.
- E. Sleeping quarters must have a minimum of twenty (20) square feet of floor space per child and a minimum of eighteen (18) inches around each cot or bed.
- F. If the children are sleeping overnight in the child care facility, child care staff must ensure accepted bedtime routines, such as brushing teeth, and face and hand washing. Toothbrushes, towels and wash cloths may not be shared, and shall be stored so that each child's personal hygiene items are not in contact with those of another child.
- G. Drop-in child care facilities shall be exempt from the requirements of this Article, with the exception that where children elect to nap or sleep, they shall be provided with separate beds, cots or cribs as set forth herein.
- H. Child Development Associate or credentialed staff are not required for night-time hours.

ARTICLE XVII. TRANSPORTATION

For the purposes of these rules, "vehicles" refer to those vehicles owned or operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity. Driver, as used in this section, includes all volunteers as well as personnel of the child care facility who drive vehicles transporting children to and or from the child care facility and on field trips.

A. General.

1. When private passenger automobiles, vans or station wagons are used for transportation of children by child care facilities, the driver must be at least eighteen (18) years of age, with a valid Florida driver's license, and have passed an annual physical examination.
2. ~~School buses and vans~~ Vehicles must have the name of the child care facility on each side panel in six (6) to eight (8)-inch letters. The back panel must have the wording "Caution Transporting Children" ~~in six (6) to eight (8)-inch letters.~~ in a minimum of 4-inch letters.
3. Prior to offering child care transportation services of any type, directly or by contract, all new and existing child care facilities must provide written notice to the Department. When a child care facility provides regular transportation for children, the licensing agency must be advised in writing. The written notice to the Department must provide the following information:
 - a. The type of transportation that will be offered, for example, after school pick up, home pick up, or field trips, including points of pick-up and drop-off.
 - b. List and description of the vehicles that will be used for transportation of the children, to include make, model, year, color, and tag number.
 - c. Any contract, agreements, or arrangements with any third parties for the provision of transportation services.

A copy of the facility's policy, procedures, and staff training plans for maintaining compliance with the responsibilities for loading, unloading, and tracking each child during transportation must on file at the facility and be available for review by the Department.

4. When a ~~bus or van~~ vehicle is regularly used by a child care facility to provide transportation, the driver shall comply with the provisions of Florida Statutes, § 316.615(3), as amended or replaced, Physical Requirements of Drivers. Each driver must have an annual physical examination documented on a form provided by the Department. ~~The physician's certification physical examination form,~~ signed by a physician or other qualified health care provider must be posted in the vehicle.
5. All child care facilities must comply with the inspection and insurance requirements found in Florida Statutes, § 316.615(4), as amended or replaced. All facilities must file a certificate of insurance with the Board through the Department.
6. All child care facilities shall, on an annual basis, have all vehicles regularly used to transport children inspected by a National Institute for Automotive Service Excellence (ASE) certified mechanic to certify proper working order. Documentation by the mechanic shall be maintained in the vehicle on forms provided by the Department. The annual report/certification must contain the name and certification number of the ASE-certified mechanic who performed the inspection. Vehicles used to transport children must be maintained in

proper working condition at all times. The interior temperature of the vehicle must be maintained at 72°F – 82°F during transportation of children.

7. All child care facilities must comply with the Florida safety belt laws in accordance with Florida Statutes, §§ 316.613 and ~~316.614~~, 316.72 as amended or replaced. Each child, when transported, must be in an individual ~~factory-installed~~ seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute. Unless exempt from seatbelt requirements by Florida Statutes all vehicles used to transport children shall be equipped with child safety restraint suitable for the age and size of the child being transported and the type of vehicle being used. Vehicles exempt from seat belt requirements by Florida Statute can only be used to transport school-age children who do not require child restraint devices designed to be attached to the seat by the end-user.
8. An annual inspection of the child care facility's vehicles or vans used to transport children will be conducted by the Department to establish the maximum seating capacity. The maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity specifications or the number of ~~factory-installed~~ working seat belts or child restraint devices. Vehicles used to transport children must be maintained in a clean and sanitary condition at all times. The interior of vehicles shall be free of hazards such as sharp edges, loose or broken seats, torn or exposed seat cushion, hazardous materials, build-up of solid waste, and storage of unnecessary articles.
9. ~~Prior to transporting children and upon the vehicle's arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:~~
 - A. ~~A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. This log shall be maintained for a minimum of four (4) months.~~
 - B. ~~Upon arrival at the destination return to the facility the driver of the vehicle shall:~~
 - ~~1. Mark each child off the log as the child departs the vehicle,~~
 - ~~2. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and~~
 - ~~3. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.~~
 - C. ~~Upon arrival at the destination return to the facility a second staff member shall:~~
 - ~~1. Conduct a physical inspection and visual sweep the vehicle to ensure that no child is left in the vehicle, and~~
 - ~~2. Sign the log verifying that all children were accounted for and driver's log is complete.~~
9. ~~10.~~ Volunteers of a child care facility using their vehicles or any other vehicles to transport children must comply with the seat belt and child restraint requirements specified in subsection 7. of this section.

- 4713
- 4714 10. 11. The driver shall have a current valid Florida driver's license. Each vehicle
- 4715 shall be equipped with contact information for all children being transported.
- 4716 When transporting children with chronic medical conditions (such as asthma,
- 4717 diabetes, or seizures), their emergency care plans and supplies or medication
- 4718 shall be available. The responsible adult shall be trained to recognize and
- 4719 respond appropriately to the emergency.
- 4720
- 4721 11. 12. When transporting children, staff to child ratios must be maintained at
- 4722 all times. The driver may be included in the staff to child ratio, however,
- 4723 when infants are being transported, there must be at least one other staff
- 4724 member in the vehicle who can see and hear all the children. At no time
- 4725 shall the driver alone transport infants or children under 5 years of age. In
- 4726 addition, the facility must also take into consideration the children's
- 4727 individual and group behavioral characteristics, special medical conditions,
- 4728 travel distances, and other relevant factors in deciding whether additional
- 4729 adult(s) is necessary to ensure the safety of children during transportation.
- 4730

4731 B. Supervision of Children During Transportation

- 4732 1. An adult must be in the vehicle whenever a child is in the vehicle.
- 4733 2. An adult must be seated behind the steering wheel if the motor is running
- 4734 and children are being loaded and/or are on board.
- 4735 3. An adult staff member, in addition to the driver, is required on the vehicle
- 4736 when transporting children under 5 years of age.
- 4737 4. The second adult staff member shall be seated in the vehicle in the back seat
- 4738 or in a position which allows:
- 4739 a. Each child to be seen with a quick glance;
- 4740 b. Each child to be heard at all times;
- 4741 c. Each child's activities to be observed; and
- 4742 d. The staff member to respond immediately should there be an
- 4743 emergency.
- 4744

4745 C. Responsibility for Loading, Unloading, and Tracking Each Child

- 4746 1. Transportation Log:
- 4747 a. A transportation log in a format approved by the Department shall be
- 4748 used to track each child during transportation.
- 4749 b. The first and last name of each child received for transport shall be
- 4750 recorded on the log.
- 4751 c. Either the driver or second staff member shall be designated by
- 4752 management as the person responsible for completing the log.
- 4753 2. Loading Procedures:
- 4754 a. As each child is loaded on the vehicle, the time the child was placed on
- 4755 the vehicle shall be recorded onto the transportation log by the person
- 4756 designated to complete the log.
- 4757 b. If the child was loaded from home, the parent or other authorized
- 4758 person will additionally sign the log indicating that the child was placed
- 4759 on the vehicle.
- 4760 3. Unloading Procedures:
- 4761 a. The individual designated by the agency as responsible for the log
- 4762 shall update it immediately upon the child being released from the
- 4763 vehicle. The designated staff member shall update the log by:
- 4764 i. Recording the time the child was released; and
- 4765 ii. Initialing next to the time of release.
- 4766 b. When the child was released to a parent or other authorized person,
- 4767 that person must sign the log indicating that the child was released to
- 4768 them.
- 4769
- 4770
- 4771

- 4772 4. Confirming that Every Child is Off the Vehicle
- 4773 a. Driver Responsibilities: Immediately upon unloading the last child and
- 4774 to ensure that all children have been unloaded the driver shall:
- 4775 i. Physically walk through the vehicle;
- 4776 ii. Inspect all seat surfaces, under all seats, and in all
- 4777 compartments or recesses in the vehicle's interior;
- 4778 iii. Sign the log, with the driver's full name, indicating the children
- 4779 are all unloaded; and
- 4780 iv. Give the log to the second staff member.
- 4781 b. Second Staff Member Responsibilities: The second staff member shall:
- 4782 i. Physically walk through the vehicle;
- 4783 ii. Inspect all seat surfaces, under all seats, and in all
- 4784 compartments or recesses in the vehicle's interior;
- 4785 iii. Sign the log with the staff person's full name indicating the
- 4786 children are all unloaded.
- 4787 5. Loading Children at School
- 4788 a. When children are picked up at school they shall be loaded on the
- 4789 vehicle at the location designated by the school using all applicable
- 4790 procedures for logging of children's presence on the vehicle.
- 4791 b. The facility must develop written policies that:
- 4792 i. Specify procedures for the driver to follow in the event that a
- 4793 child scheduled to be picked up does not report to the vehicle;
- 4794 and
- 4795 ii. Ensure that children will have adult supervision should the
- 4796 driver or additional staff member need to try to locate a missing
- 4797 child.
- 4798 6. Loading and Unloading Children for Field Trips
- 4799 a. Prior to and during field trips the relevant procedures outline in
- 4800 Article XVII (C) above must be followed.
- 4801 b. Tracking of each child and related documentation is required for each
- 4802 time children enter and leave the vehicle, whether at the destination,
- 4803 or at rest stops during the trip.
- 4804 7. Unloading Children at the End of the Day: When children are unloaded at the
- 4805 end of the day and the vehicle does not return to the facility for the additional
- 4806 review that confirms every child is off the vehicle, the facility shall develop
- 4807 procedures, to:
- 4808 a. Verify all children are off the vehicle; and
- 4809 b. Verify that each child was released to a responsible person authorized
- 4810 by the parent.
- 4811 D. Vehicle Monitoring Device
- 4812 On or after September 1, 2012, all vehicles used by or on behalf of the facility for
- 4813 the transportation of children and that are designed to transport six (6) or more
- 4814 passengers must be equipped with an alarm system which prompts the driver to
- 4815 inspect the vehicle for children before exiting such vehicle.
- 4816
- 4817
- 4818

ARTICLE XVIII. FIELD TRIPS AND SWIMMING ACTIVITIES

A. Field trips

1. Parents must be advised of field trip activities. Before any child may attend a field trip, parental permission must be obtained either in the form of a general permission slip or specific permission slip obtained prior to a particular field trip. Permission slips must be included in the child's record. In addition, the date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to the field trip. If special circumstances arise where notification of an event cannot be posted for two (2) working days, then signed individual permission slips must be obtained from a parent of each child participating notwithstanding the existence of a general permission slip.
2. For all field trips, a manifest shall be kept at the facility with a copy brought with staff attending the field trip. Such manifest shall include the names of the children, staff persons, and volunteers attending the field trip; current telephone numbers where parent(s) may be reached in the event of an emergency; and for each child the name of the specific person assigned to supervise that child. The manifest and any field trip permission slips must be maintained by the facility and kept on file at the facility for no less than one (1) year from the date of the field trip.
3. In addition to the minimum staff to child ratio requirements of Article VIII and Article XVIII (B) of these rules, while engaged in a field trip each facility shall provide an extra staff person who shall be required to directly supervise children attending the field trip.
4. Each facility shall take along with it on any field trip a first aid kit and a cellular phone or similar two-way communication device that will allow staff persons to independently summon emergency assistance. Two-way radios, citizen band radios and other means of instant communication are accepted. The two-way communication device and the first aid kit shall be readily available to staff responsible for children during all field trips.
5. Potable water and toileting facilities shall be available on all field trips. If the field trip extends beyond 2 hours, there shall be a meal provided in accordance with Article XII of these rules.

B. Swimming activities.

1. Swimming activities and water play are prohibited at all fresh water bodies not permitted by the Department for such purposes. Water play, on land, is prohibited unless the water used is in facilities and from a source approved by the Department. During swimming activities, each child shall be directly supervised with physical or visual contact maintained at all times by a staff member or qualified volunteer assigned to watch such child.

Staff members and qualified volunteers shall be assigned to a specific child or group of children according to the minimum ratios set forth below. For the purposes of such assignment, groups shall be no larger than the number that one (1) qualified adult may watch.

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AGE	MINIMUM ADULT TO CHILD RATIO
under 2 years (infants)	one (1) staff member to one (1) infant
2 years of age	one (1) staff member to two (2) children
3 years of age	one (1) staff member to four (4) children
4 years of age	one (1) staff member to eight (8) children
5 years of age and older	one (1) staff member to ten (10) children

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In the event of a group with mixed ages, the ratio for the youngest child shall apply.

- Adult volunteers, as well as staff persons, may be used to meet the minimum supervision ratio requirements set forth above so long as all such persons are assigned to a specific child or group of children as required above. In no event shall the number of actual staff persons present be less than that required elsewhere in these rules, including the extra staff person required for field trips.
- No facility may take children to a swimming facility unless the operators of the swimming facility have agreed to keep a certified life guard on duty at all times the child care facility remains at the swimming facility. As an alternative, the child care facility may provide its own certified life guard provided such person is not also used to meet the minimum staff to child ratio requirements of this section. A person supplied by the facility must provide general supervision of all swimming activities during the facility's visit.
- No child may participate in swimming activities without the express written consent of a parent, as herein defined, specifically authorizing the facility to allow the child to participate at specified locations.
- Notwithstanding parental consent or written acknowledgment, nothing herein shall be construed to require a facility to allow a child to participate in swimming activities when the facility does not consider the child sufficiently able to swim.
- All written acknowledgments, permission slips, and consent forms required herein must be kept at the facility for at least one (1) year after such forms have been relied upon to meet these requirements. If the Department deems it prudent to do so, it may issue and prescribe the use of forms pertaining to the requirements of this section.

4914 **ARTICLE XIX.**
4915 **SPECIALIZED CHILD CARE FOR THE MILDLY ILL – ADDITIONAL**
4916 **REQUIREMENTS**
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4918

4919 In addition to the requirements set forth in Articles I through XVIII, and Articles XX and
4920 XXI herein, the following requirements shall apply to facilities providing specialized child
4921 care for mildly ill children.
4922

4923 **A. General Information.**
4924

4925 (1) Application.

4926 Application must be made on a form as prescribed by the Department for such purpose
4927 and shall be submitted to the Department pursuant to Article IV (A) herein.
4928

4929 (2) License.

- 4930 (a) A license to operate a child care facility for mildly ill children is issued in
4931 the name of the owner, partnership, association, or corporation.
4932
4933 (b) Facilities providing both regular child care for well children and child care
4934 for mildly ill children must procure and maintain two (2) separate licenses.
4935
4936 (c) Hospitals maintaining current Joint Commission for the Accreditation of
4937 Healthcare Organizations (JCAHO) accreditation, operating hospital based
4938 child care for mildly ill children, shall be exempt from licensure under this
4939 rule.
4940

4941 (3) Staff Ratios

- 4942 (a) The following staff to child ratios are based on primary responsibility for
4943 the supervision of children and applies at all times; when mildly ill children
4944 are in care:
4945

4946

AGE OF CHILDREN	STAFF RATIOS FOR CHILD CARE
0 – 24 months of age	1 staff member for 3 infants
>24 months- 4 years	1 staff member for 4 children
>4 years of age	1 staff member for 6 children

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4952
4953 (b) Mixed Age Groups.

- 4954 1. In groups of mixed age ranges, where one (1) or more
4955 children under one (1) year of age are in care, one (1) child
4956 care personnel shall be responsible for a maximum of three
4957 (3) children of any age group.
4958 2. In groups of mixed age ranges, where one (1) or more
4959 children one (1) year of age and older are in care, the staff
4960 to child ratio shall be based on the age of the largest
4961 numbers of children within the group. When equal numbers
4962 of children in each group are in care, the most restrictive
4963 staff to child ratio shall apply.
4964
4965 3. Infants shall not be commingled with non-infants.
4966

4967 (4) Schedule of Activities.

- 4968 (a) The facility shall include a daily schedule tailored to each child's symptoms, energy
4969 level, and parent's instructions.
4970
4971 (b) The daily schedule shall be flexible and provide age appropriate activities without
4972 over stressing the children.

B. Physical Environment.

(1) Sanitation and Safety.

- (a) A child care facility for mildly ill children, if located in a regular licensed child care facility, shall utilize rooms or areas which are physically separated by floor to ceiling walls, from all other components of the regular licensed child care facility.
- (b) The physical indoor and outdoor space, and equipment designated for use by the mildly ill children, shall not be used by children and child care staff from any other component of the regular licensed child care facility.
- (c) Child care facilities for mildly ill children, which serve children with contagious diseases as defined herein, shall have separate isolation areas, ventilation systems, and entrances.
- (d) Child care programs for mildly ill children shall make provisions to prevent the participating mildly ill children from coming in contact with all other areas and components of the child care facility where well children are in care.
- (e) No animals shall be allowed on the premises of programs caring for mildly ill children.
- (f) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the premises, unless prescribed for any of the children in care.

(2) Outdoor play space.

Child care facilities for mildly ill children are not required to provide outdoor play space. Should a facility choose to provide outdoor play space, it shall be physically separated from that space provided for well children. The play area and all equipment shall meet all safety requirements as specified in Article X(C) and Article X(I) of these rules.

(3) Napping and Sleeping Space

- (a) Linens, if provided by the facility, must be sanitized daily, and more often if soiled or dirty. Linens and blankets must be provided when children are napping or sleeping.
- (b) A minimum of 3 feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(6) Toilet and Bath Facilities.

- (a) Child care facilities for mildly ill children shall provide toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.
- (b) The facility shall provide a minimum of one (1) toilet and one (1) hand wash sink for every ten (10) children.
- (c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill children in care and their caregivers, and shall be accessible from within the room where care is being provided. If the specialized child care facility for mildly ill children is located within a child care facility, the toilet

5029 and bath facilities used by the mildly ill children and their caregivers shall
5030 be separate from those utilized by children and caregivers from other
5031 components of the child care facility. Staff bathrooms shall be located
5032 within the mildly ill care area and shall be designated and separate from
5033 those bathrooms used by children.
5034

5035 (d) Toilet and bath facilities shall provide privacy to all users.
5036

5037 (e) Children must receive direct supervision and care in accordance with
5038 required needs and be accounted for at all times, including but not limited
5039 to periods while bathing or using the toilet facilities.
5040

5041 (f) Running water, disposable towels, liquid soap and trash receptacles shall
5042 be available at each handwash sink, and be available to and within reach
5043 of children. Toilet paper shall also be available to and within reach of
5044 children using the toilet facility.
5045

5046 (g) Each basin and toilet must be sanitized after each use.
5047

5048 (h) Hand washing sinks shall not be used for food service preparation or food
5049 clean up.
5050

5051 (i) There shall be a handwash sink supplied with hot and cold running water
5052 in any room where the dispensing of medicines or portioning of nutritional
5053 supplements occurs. This sink shall not be used for handwash following
5054 diaper changing activities.
5055

5056 C. Personnel Requirements.

5057 (1) Minimum Age Requirements.

5058 No person under the age of eighteen (18) shall be allowed to provide care for mildly
5059 ill children.
5060

5061 (2) Minimum Training Requirements.

5062 (a) All child care personnel caring for mildly ill children shall have current
5063 certification in infant and child cardiopulmonary resuscitation and first aid prior
5064 to caring for the children at the facility.
5065

5066 (b) In addition to the forty (40) hour child care course, all child care personnel
5067 caring for mildly ill children shall complete eight (8) hours of annual in-service
5068 training relating to care of sick children and the prevention of communicable
5069 diseases. Operators or Directors shall complete at least two (2) hours of
5070 training relating to sick children as part of their eight (8) hours annual in-
5071 service training.
5072

5073 D. Health and Safety

5074 (1) General Requirements.

5075 (a) Following personal hygiene procedures for themselves or when assisting others,
5076 employees, volunteers, and children shall wash their hands with soap and
5077 running water, drying thoroughly with disposable towels. Only soap from a
5078 liquid soap dispenser shall be used for hand washing.
5079

(b) A child care facility for mildly ill children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.

(c) Only single-service articles may be used for eating and drinking. Children may bring labeled items for their exclusive use, which must be returned to the parent or legal guardian on a daily basis.

(2) Diapering Requirements

(a) A changing table with an easily cleanable impervious surface and hand washing facilities, which include a basin with hot (not to exceed 110 degrees Fahrenheit) and cold running water, disposable towels, towel dispenser, disposable gloves, liquid soap, and plastic-lined trash receptacle, shall be available in the infant room or in the room where children with special needs in diapers are in care. Such hand wash sink shall be immediately adjacent to the changing table, inaccessible to children, and shall be used exclusively for staff's hand washing following diaper changing activities.

Hands shall be washed and dried thoroughly after each diapering or toileting procedure to prevent the transmission of diseases or illnesses to other children in the facility's care

(b) Diaper changing shall be in a separate area from the feeding or food service area.

(c) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the parent at the end of the day.

(d) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered, plastic-lined container which is not accessible to children. The container shall be emptied and sanitized daily.

(e) Disposable gloves shall be used during all diaper changing activities. Gloves shall be discarded after use on each child, following disposal of disposable diapers or rinsing and sanitizing of cloth diapers. After gloves are discarded, personnel shall wash their hands and the hands of the child prior to sanitizing the diaper changing station.

(3) Equipment and Furnishings - Indoor Equipment

(a) A child care facility for mildly ill children shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

(b) Toys, equipment and furnishings must be safe and maintained in a sanitary condition. All furnishings shall be made of impervious materials, smooth and easily cleanable.

(c) All washable toys, equipment and furniture used for one (1) group of children with similar diagnosis in a child care facility for mildly ill children shall be washed and disinfected before being used by another group of children.

(d) Non-washable toys brought from home may not be shared, and shall be sent home daily.

- 5134 (e) All trash receptacles and waste paper bins within the facility shall be of the
5135 hands-free type.
5136
- 5137 (4) Fire Safety.
- 5138 (a) Unless statutorily exempted, all child care facilities for mildly ill children shall
5139 conform to state standards adopted by the State Fire Marshal, Chapter 69A-36,
5140 Florida Administrative Code, Uniform Standards for Life Safety and Fire
5141 Prevention in Child Care Facilities, as amended or replaced, and shall be
5142 inspected annually by the Fire Authority having jurisdiction. A copy of the
5143 current and approved annual fire inspection report by a certified fire inspector
5144 must be on file with the Department.
5145
- 5146 (b) Child care facilities for mildly ill children shall conduct monthly fire drills when
5147 children are in care, in accordance with the requirements contained in Article X
5148 (G)(5) of these rules. Subject to local fire authority's approval, evacuation of the
5149 premises shall not be required. However, facilities shall ensure that the children
5150 are taken at least to the point of exit. A current attendance record must
5151 accompany staff during a drill or actual evacuation and be used to account for all
5152 children.
5153
- 5154 (5) Emergency Procedures.
- 5155 (a) At least one (1) first aid kit containing materials to administer first aid must be
5156 maintained on the premises of all child care facilities for mildly ill children, at all
5157 times. Each kit shall be in a closed container and labeled "First Aid". The kit(s)
5158 shall be accessible to the child care staff at all times and must include
5159 components and be maintained as specified in Article XIII (A) of these rules.
5160
- 5161 (b) Procedures and Notification
5162
- 5163 (i) Parents shall be notified immediately in the event of any significant
5164 change in a child's illness or symptoms, accident or injuries sustained at
5165 the facility, which are more serious than minor cuts and scratches, and
5166 their specific instructions regarding action to be taken under such
5167 circumstances shall be obtained and followed. If the parent cannot be
5168 reached, the facility operator will contact those persons designated by the
5169 parent to be contacted under these circumstances, and shall follow any
5170 written instructions provided by the parent on the enrollment or
5171 registration form.
5172
- 5173 (ii) Child care facilities for mildly ill children shall make arrangements with
5174 the parent for obtaining medical evaluation or treatment for a child, if
5175 necessary as determined by the licensed health caregiver and program
5176 policies.
5177
- 5178 (iii) Child care facilities for mildly ill children shall obtain emergency medical
5179 treatment without specific parental instruction when the parent cannot be
5180 reached, and the nature of the illness or symptoms or injury is such that
5181 there should be no delay in obtaining medical treatment, as determined
5182 by the licensed health caregiver or other qualified health professional.
5183
- 5184 (iv) Child care facilities for mildly ill children shall call the parent immediately
5185 when a child's illness or symptoms worsen to the degree that the child
5186 meets criteria for exclusion from the program, as previously outlined
5187 herein.

5188

5189 (6) Dispensing of Medication.

5190 Medication shall be returned to the parent or legal guardian at the end of each day.
5191 Medication shall be dispensed and stored in accordance with Article XIII(C)(1 & 2) of
5192 these rules.

5193 E. Food and Nutrition

5194 (1) Nutrition

- 5195 (a) If a child care facility for mildly ill children chooses to supply food, it shall provide
5196 nutritious meals and snacks of a quantity and quality to meet the daily nutritional
5197 needs of the children.
5198 (b) If a facility chooses not to provide meals and snacks, arrangements must be
5199 made with the custodial parent to provide nutritional food for the child.
5200 (c) Child care facilities for mildly ill children shall ensure that menus for children can
5201 be modified to meet the individual needs of each child in care. If a special diet is
5202 required for a child by a physician, a copy of the physician's order, a copy of the
5203 diet, and a sample meal plan for the special diet shall be maintained in the child's
5204 facility file.

5205 (2) Food Preparation Area.

- 5206 (a) All licensed child care facilities for mildly ill children, approved by the Department
5207 to prepare food, shall meet the applicable requirements as specified in Rule 64E-
5208 11, Florida administrative Code, Food Hygiene, as amended or replaced.
5209 (b) A kitchen area may be shared with other components of the facility. However,
5210 staff providing child care for the mildly ill children shall not be involved in food
5211 preparation.

5212 (3) Food Service.

- 5213 (a) Children shall be individually fed or supervised at feeding and offered foods
5214 appropriate for their ages and physical condition.
5215 (b) All meals and snacks provided for children participating in child care facilities for
5216 mildly ill children must be served on single-service articles.
5217 (c) Where the facility shares kitchen amenities with the well-childcare program
5218 onsite, and food is satellited to the mildly ill childcare section, such food shall be
5219 individually plated on disposable ware, and shall not be returned to the well child
5220 care area.
5221 (d) There shall be a handwash sink with hot and cold running water for staff use in
5222 each area where liquid nourishment and or medications are dispensed.

5223 F. Record Keeping

5224 (1) Children's Records.

- 5225 (a) Each child's record shall contain a signed statement from the parent, attesting to
5226 the child's immunization status, either current or religiously exempt from
5227 immunization, as required by Rule 64D-3, Florida Administrative Code, as may be
5228 amended or replaced.
5229
5230 (b) Enrollment/Registration Information: The facility operator shall obtain enrollment
5231 information from the child's custodial parent or legal guardian, prior to accepting
5232 a child in care. This information shall be documented on a current CF-FSP Form
5233 5241, Application for Enrollment in Specialized Child Care Facilities for Mildly Ill
5234 Children, which is incorporated by reference, or an equivalent form that contains
5235 all the following information required by the Department's form:
5236 (i) Child's name, age, date of birth, sex
5237 (ii) Parent or legal guardian's name

- 5238 (iii) Employer name
5239 (iv) Home, work, cell and pager telephone numbers
5240 (v) Person and telephone number to call in case parent cannot be reached
5241 (vi) Child's physician and telephone number
5242 (vii) Allergies and type of reaction and specific interventions in case of allergic
5243 reaction
5244 (viii) Present and past prescriptions and childhood diseases
5245 (ix) Current Diet
5246 (x) Special areas of concern and special needs of assistance
5247 (xi) Diapering requirements
5248
5249 (c) The child shall not be released to any person other than the person(s)
5250 authorized, or in the manner authorized in writing by the parent.
5251
5252 (d) Children's files shall contain signed statements that the child care facility for
5253 mildly ill children has provided all of the following information to parents:
5254 (i) Admission policy
5255 (ii) The program's infection control procedures
5256 (iii) Methods for the daily care of children, including the child's progress
5257 (iv) Procedures for the care and referral for a medical evaluation for children
5258 who exhibit worsening symptoms, including a listing of those symptoms
5259 (v) Policy and procedure for staff communication with parents and health
5260 care providers
5261 (vi) Discipline policy
5262 (3) Medication Records.

5263 (a) A written record documenting the child's name, the name of the
5264 medication, date, time, dosage to be given, and signature of the custodial
5265 parent or legal guardian, shall be maintained at the facility. This record
5266 shall be initiated or signed by facility personnel at the time the medication
5267 is dispensed.
5268
5269 (b) This record shall be maintained for a minimum of twelve (12) months after
5270 the last day the child received the medication.
5271 (4) Other Records
5272 Facility shall maintain for the Department's review the following:
5273
5274 (a) Written records of policies and procedures, current for the calendar year, or
5275 most recent version, and
5276
5277 (b) A detailed log of quarterly monitoring visits shall be maintained, dated and
5278 signed by the Health Provider Consultant. This log shall be maintained for a
5279 period of no less than two (2) years.

ARTICLE XX
CLASSIFICATION OF VIOLATIONS

The Department will use the following classifications as a guideline for determining the severity of violations of these rules:

- A. Class I Violations: Are the most serious in nature and could result or do result in death or serious harm to the health, safety and well-being of a child and include overt abuse and negligence related to the operation and maintenance of a facility.
- B. Class II Violations: Are serious in nature but do not pose an immediate threat to the health, safety and well-being of a child but could reasonably be expected to cause harm within ninety (90) days (for example, a leaking roof that could collapse) and include those conditions or occurrences related to the operation and maintenance of a facility, other than Class I violations.
- C. Class III Violations: Are the least serious in nature and pose no threat to the health, safety and well-being of a child and include those conditions or occurrences related to the operation and maintenance of the facility other than Class I or Class II violations. A violation is noncompliance with any provision of §§. 402.301 - 402.319, Florida Statutes, or applicable rules.
- D. Other: Violations not included above or classified as a Class I, II, or III violation but for which fines may be issued depending on severity or recurrence.
- E. In addition to the provisions previously set forth herein, it is a violation of these rules to:
 - (1) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment, licensure or certification regulated herein, all information required or a material fact used in making a determination as to such person's qualifications to be child care personnel, in a child care facility, or other child care program.
 - (2) Operate or attempt to operate a child care facility under a license or certificate that is suspended, revoked, or terminated.
Misrepresent, by act or omission, a child care facility to be duly licensed or certified pursuant to this rule without being so licensed or certified.
 - (3) Make any other misrepresentation, by act or omission, regarding the licensure or certification, or operation of a child care facility to a parent or guardian who has a child placed in the facility or is inquiring as to placing a child in the facility, or to a representative of the licensing authority, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to:
 - (a) The number of children at the child care facility;
 - (b) The part of the child care facility designated for child care;
 - (c) The qualifications or credentials of child care personnel;
 - (d) Whether a child care facility complies with the screening requirements of 402.305, Florida Statutes, as amended or replaced;
or
 - (e) Whether child care personnel have the training as required by 402.305, Florida Statutes, as amended or replaced.

ARTICLE XXI. ENFORCEMENT

- A. In addition to the revocation procedures set forth above, any violation of Chapter 59-1698 Laws of Florida, as amended, these rules and regulations, or Florida Statutes, §§ 402.301--402.319, as amended or replaced, or the rules and regulations promulgated thereunder, is subject to enforcement by the Department through the Palm Beach County Environmental Control Officer pursuant to Chapter 77-616, Laws of Florida, as amended. Pursuant to Chapter 77-616, Laws of Florida, the Environmental Control Hearing Board is authorized to issue fines of up to \$500 per violation per day of violation. The Department will use a progressive enforcement matrix (incorporated by reference) to make recommendations to the Environmental Control Hearing Board for such fines. Violations of these rules may result in the issuance of an order requiring the owner/operator of the facility to appear before the Environmental Control Hearing Board and show cause why a civil penalty should not be imposed or corrective action ordered. Thereafter, the Environmental Control Hearing Board will convene, hear the matter, and, if a violation is found to have occurred, issue an order that may require corrective action and payment of a fine. Failure to pay any such fine may result in the filing of a lien against any and all property of the facility owner. The provisions of this paragraph describe an additional and supplemental means of enforcement. Nothing contained in this paragraph shall prohibit the County from enforcing these rules and regulations by any other means, including, but not limited to the institution of time-limited corrective action plans for the child care facility and/or referral to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced.
- B. Each day of violation shall be considered a separate and distinct violation.
- C. Right of Entry:
Members of the Child Care Facilities Board and its representatives may enter and inspect child care facilities, child boarding homes, large family child care 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 provision of Chapter 59-1698, Special Acts, Laws of Florida, as amended, or of any rule and regulation issued hereunder. The right of entry and inspection shall also extend to any premises which the Department has reason to believe are being operated or maintained as a child care facility without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same. Any application for a license or certificate or renewal made pursuant to these rules, or any advertisement to the public of child care as defined herein shall constitute permission for entry or inspection of any premises for which such license or certificate is sought in order to facilitate verification of the information submitted on or in connection with the application. In the event that a licensed or certified facility refuses permission for entry or inspection to the Department, a warrant shall be obtained from the circuit court authorizing same prior to such entry or inspection. Disciplinary action may also be instituted pursuant to Article XXI (A) herein.
- D. In addition to conspicuously posting the license, certificate of substantial compliance, or certificate of compliance, the child care facility shall post with the license or certificate:
- 1) Each citation for a violation of any standard or requirement of these rules and regulations that has resulted in disciplinary action mandated by the Environmental Control Hearing Board.

- 5390 2) An explanation, written in simple language, of the corrective action, if any,
5391 taken by the facility for each citation. Included in the description shall be
5392 the dates on which the corrective action was taken.
5393
5394 3) Each citation, explanation, and description of corrective action shall remain
5395 posted for one (1) year after the Environmental Control Hearing Board's
5396 effective date.
5397
5398 E. Should the Department determine that any child care personnel makes any
5399 misrepresentation in violation of Article XX (E) above to a parent who has placed a
5400 child in the child care facility, and the parent or guardian relied upon the
5401 misrepresentation, and the child suffers great bodily harm, permanent
5402 disfigurement, permanent disability, or death as a result of an intentional act or
5403 negligence by the child care personnel, then such matter may be referred to the
5404 State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of
5405 Florida, as amended or replaced.
5406

PALM BEACH COUNTY RULES & REGULATIONS GOVERNING CHILD CARE FACILITIES

Chapter 1 CHILD CARE FACILITIES

ARTICLE I. SHORT TITLE AND APPLICABILITY

- A. These rules and regulations shall be known as the "Palm Beach County Rules and Regulations Governing Child Care Facilities".
- B. All provisions of these rules and regulations shall be effective within the unincorporated and incorporated areas of Palm Beach County, Florida.
- C. These rules and regulations shall be construed to effect the purposes of protecting the health, safety and welfare of the children of Palm Beach County and promoting their emotional and intellectual development and care. These rules shall be the minimum standards for facilities providing child care in Palm Beach County.
- D. These rules and regulations shall apply to all child care facilities located in Palm Beach County. Unless otherwise provided herein, strict compliance with the rules shall be required.

ARTICLE II. AUTHORITY

These rules and regulations are adopted under the authority of Chapter 59-1698, Special Acts, Laws of Florida, as amended.

ARTICLE III. DEFINITIONS

For the purpose of these minimum standards, the following terms shall have the meaning indicated in this article. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning except when necessary to avoid misunderstanding.

1. *Adult* -- A person eighteen (18) years of age or older.
2. *Before-school and after-school sites* -- means, Programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one (1) and above, during the school district's calendar year. This is limited to programs providing care before and after the school day only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.
3. *Cardiopulmonary resuscitation* -- Current certification in infant and child cardiopulmonary resuscitation ("CPR"), an emergency procedure for sustaining breathing and heartbeat until professional help arrives.
4. *CDA Equivalency or State approved CDA Equivalency* -- A training program that has been approved by the Department of Children & Families as meeting or exceeding the criteria established for an equivalency program.
5. *Certificate of compliance* -- A document issued in lieu of a license to a bona fide religiously affiliated child care programs that complies with the minimum standards of health and safety set forth in these rules, and which apply for such certificate. Unless specifically indicated in these rules, all rules and regulations applicable to licensed child care facilities apply equally to certificate of compliance facilities.
6. *Certificate of substantial compliance* -- A document in the form of a certificate, issued in lieu of a license to a non-public school for a program for children who are at least three

- 60 (3) years of age, but under (5) five years of age that need not be licensed provided: (i)
61 the programs in the non-public schools are operated and staffed directly by the non-
62 public schools; (ii) a majority of the children enrolled in the schools are five (5) years of
63 age or older; (iii) there is compliance with the screening requirements for personnel
64 pursuant to these rules; and (iv) the program substantially complies with the minimum
65 child care standards promulgated by these rules. All rules and regulations applicable to
66 licensed facilities apply equally to certificate of substantial compliance facilities, unless
67 specifically exempted herein.
68
- 69 7. *Child* -- A person less than thirteen (13) years of age who is related to the operator of a
70 facility regulated hereunder, and all other persons less than eighteen (18) years of age.
71
- 72 8. *Child care* -- The care, protection and supervision of children for a period less than
73 twenty-four (24) hours a day on a regular basis which supplements parental care,
74 enrichment and health supervision for children in accordance with individual needs, and
75 for which compensation is received in the form of a payment, fee, grant, services, or
76 goods in kind. In addition, facilities which are held out to be establishments which
77 regularly provide child custodial care shall be deemed child care facilities regardless of
78 whether compensation is received, and be subject to the requirements herein.
79
- 80 9. *Child Care Advisory Council* -- An entity appointed by the Board of County
81 Commissioners of Palm Beach County, sitting as the Child Care Facilities Board, to serve
82 on behalf of the Board of County Commissioners as to the issuance and revocation of
83 licenses or certificates, and to advise the Board as to the rules and regulations
84 necessary to protect the health and safety of children in child care facilities. The term
85 "Council" may be used interchangeably with "Child Care Advisory Council." The
86 Department shall serve as staff to the Council.
87
- 88 10. *Child care facility* -- Any building or shelter in which custodial care is rendered to six (6)
89 or more children, and for which compensation is received in the form of a payment, fee,
90 grant, goods or services in kind for any of the children receiving care, whether or not
91 operating for profit or which is held out to the public to be an establishment which
92 regularly provides child custodial care. The term also refers to the child care operation
93 associated with the building or shelter, and for the purposes of these rules also includes
94 specialized child care facilities for the mildly ill. Establishments which obtain a certificate
95 of compliance, or certificate of substantial compliance, are also considered child care
96 facilities for the purposes of this rule. For the purposes of these rules, the term "facility"
97 also means child care facility.
98
- 99 A. The following are not included within the meaning of child care facility:
100
- 101 i. Public schools and non-public schools and their integral programs, except as
102 provided herein.
103
- 104 ii. Summer twenty four (24)-hour camps having children in full-time residence.
105 Summer twenty four (24)-hour camp means recreational, educational and
106 other enrichment programs operated during summer vacations for children
107 who are five (5) years of age or older on or before September 1st of the
108 calendar year. Such programs are not exclusively educational, pursuant to
109 section 409.175 (2)(m), Florida Statutes, as amended or replaced.
110
- 111 iii. Summer day camps as defined in section 409.175 (2)(l) Florida Statutes, as
112 amended or replaced. Summer day camp means recreational, educational and
113 other enrichment programs operated during summer vacations for children
114 who are five (5) years of age or older on or before September 1st of the
115 calendar year.
116
- 117 iv. Bible schools normally conducted during vacation periods.
118

- 119 v. Operators of transient establishments licensed under Chapter 509, Florida
120 Statutes, as amended or replaced, that provide child care services solely for
121 the guests of their public lodging establishment, provided all child care
122 personnel of the establishment are screened according to the Level 2
123 screening requirements of Chapter 435, Florida Statutes, as amended or
124 replaced.
125
126 vi. Hospitals maintaining current Joint Commission for the Accreditation of Health
127 Care Organizations (JCAHO) accreditation, operating hospital based child care
128 for mildly ill children.
129

130
131 B. For public and non-public schools, the following shall apply:
132

133 i) *Public schools:*

- 134 (a) The following programs for children shall not be deemed to be child
135 care and shall not be subject to the provisions of these rules (except for
136 screening of personnel).
137
138 1. Programs for children in five-year-old kindergarten and grades one (1) or
139 above.
140
141 2. Programs for children who are at least three (3) years of age, but who
142 are under five (5) years of age, provided the programs are operated and
143 staffed directly by the schools and provided the programs meet age-
144 appropriate standards as adopted by the State Board of Education.
145
146 3. Programs for children under three (3) years of age who are eligible for
147 participation under the existing or successor provision of Public Law 94-
148 142 {The Individuals with Disabilities Education Act (IDEA)} or Public
149 Law 99-457 {Education of the Handicapped Act (EHA)}, provided they
150 are operated and staffed directly by schools and meet age-appropriate
151 standards as adopted by the State Board of Education.
152
153 (b) The following programs for children shall be considered child care and
154 shall be subject to the provisions of these rules:
155
156 1. Programs for children who are under five (5) years of age where the
157 programs are not operated and staffed directly by the schools.
158
159 2. Programs for children under three (3) years of age who are not eligible
160 for participation in the programs under existing or successor provisions
161 of Public Law 94-142 or Public Law 99-457.
162

163
164 ii) *Non-public schools:*
165

- 166 a. Programs for children under three (3) years of age shall be considered child
167 care and subject to the provisions of these rules.
168
169 b. A non-public school may designate certain programs as child care in which
170 case the program will be subject to the provisions of these rules. As such,
171 these programs shall operate subsequent to obtaining a child care license or
172 applicable certificate pursuant to Article IV.A. of these rules.
173
174 c. Programs for children in five (5)-year-old kindergarten, or grade one (1), or
175 above, are exempt from the provisions of these rules.
176

- 177 d. Programs for children who are at least three (3) years of age, but under (5)
178 five years of age need not be licensed provided:
179 a) the programs in the schools are operated and staffed directly by
180 the schools;
181 b) a majority of the children enrolled in the schools are five (5) years
182 of age or older;
183 c) there is compliance with the screening requirements for personnel
184 pursuant to these rules; and
185 d) the program substantially complies with the minimum child care
186 standards set forth by these rules.

187 After demonstrating to the Palm Beach County Health Department that said
188 standards have been met, submission of documentation pursuant to Article
189 IV (A) herein, and payment of applicable fees, such programs may be given
190 a certificate of substantial compliance in lieu of a license.
191

- 192 (a) Facilities which request a certificate of substantial compliance shall,
193 prior to receiving the initial certificate of substantial compliance and
194 prior to annual renewal, submit documentation pursuant to Article IV of
195 these rules.
196 (b) Before- and after-school program's enrollment will not be counted in
197 determining the majority of the children in non-public schools.
198

199 e. *Before- and after-school programs:*
200

- 201 (1) All child care facilities providing before- and after-school programs or sites, as
202 defined in Article III (B) herein, shall be licensed or have a certificate of
203 compliance.
204

205 (2) Exceptions:

- 206 a. Before- and after-school programs or sites operated and staffed directly by
207 public and non-public schools and serving only children enrolled in their
208 regular school program are not subject to these rules.
209 b. An after-school program serving school age children is not required to be
210 licensed as a child care facility if the program meets one of the following
211 criteria:
212 1. Program provides activities that are strictly instructional or
213 tutorial/academic in nature. These programs cannot extend beyond the
214 instructional and tutorial/academic activities of that program and cannot
215 serve or prepare meals. The program may choose to provide drinks,
216 snacks, and vending machine items that do not require refrigeration or
217 preparation. Some examples of these programs include, but are not
218 limited to, computer class; ballet; karate; gymnastics; baseball, and other
219 sports; or
220 2. Program meets all of the following criteria:
221 a. Serves children in the 6th grade level or above; and
222 b. Operates for a period not to exceed a total of four hours in any one
223 day; however, the program may extend to providing services before
224 school, on teacher planning days, holidays, and intercessions that
225 occur during the school district's official calendar year; and
226 c. Allows children to enter and leave the program at any time, without
227 adult supervision; and
228 d. Does not provide any transportation, directly or through a contract
229 or agreement with an outside entity, for the purpose of field trips,
230 during the hours of operation; and
231 e. Does not serve or prepare any meals or snacks. The program may
232 choose to provide drinks, snacks, and vending machine items that
233 do not require preparation or refrigeration.
234

- 235 13. Child Development Associate (CDA) - A national credential, recognized throughout
236 the United States and the world, issued by the Council for Early Childhood
237 Professional Recognition in Washington, DC.
238
- 239 14. *Child Care Facilities Board* -- The Board of County Commissioners of Palm Beach
240 County sitting as the local licensing agency to license child care facilities in Palm
241 Beach County. The term "Board" may be used interchangeably with "Child Care
242 Facilities Board".
- 243 15. *Child Care for Mildly Ill Children* -- The care of children with short term illness or
244 symptoms of illness or disability, provided either as an exclusive service in a center
245 specialized for this purpose, or as a component of other child care services offered in
246 a distinct part of a regularly licensed child care facility, for a period of less than 24
247 hours per day.
248
- 249 16. *Child enrichment service provider* - An individual who provides enrichment activities,
250 such as language training, music instruction, educational instruction, and other
251 experiences, to specific children during a specific time that is not part of the regular
252 program in a child care facility.
253
- 254 17. *Commingle* -- Placing or allowing children less than twenty-four (24) months of age
255 (infants) to share the same area or space with children two (2) years of age or older.
256
- 257 18. *Conspicuously posted* -- Clearly visible, immediately apparent upon entering the room.
258 Lettering on such materials produced by the facility shall be bold-faced, easily
259 readable, and no smaller than one (1) inch in height.
260
- 261 19. *Contagious disease* -- A type of infectious disease caused by receiving living germs
262 directly from the person afflicted with the disease, or by contact with a secretion of
263 the afflicted person, or by some object handled or used by an afflicted person.
264
- 265 20. Continuing Education Unit (CEU) -- A standard unit of measure of coursework used
266 for training and credential purposes.
267
- 268 21. *Custodial care* -- Child care as previously defined herein, for the purposes of these
269 rules.
270
- 271 22. *Department* -- The Palm Beach County Health Department.
272
- 273 23. *Director* -- The on-site administrator or individual who has primary responsibility for
274 the day-to-day operation, supervision, and administration of a child care facility. The
275 term is used synonymously with "operator."
276
- 277 24. *Director Credential* -- A Florida Department of Children and Families (DCF) -approved
278 comprehensive credential that consists of educational and experiential requirements
279 as referenced in Rule 65C-22.003(8), F.A.C., as amended or replaced.
280
- 281 25. *Disinfection* -- The destruction or elimination of most or all disease-causing
282 microorganisms.
283
- 284 26. *Drop-in child care* -- Child care provided in a child care facility located in a shopping
285 mall or business establishment, where a child is in care for no more than a four (4)
286 hour period, and where the parent or person leaving the child at the drop-in care
287 facility remains on the premises of the shopping mall or business establishment at all
288 times while the child is in care. Drop-in child care arrangements shall be licensed and
289 shall meet all the requirements for child care facilities unless specifically exempted
290 herein. Drop-in child care shall not refer to similar child care arrangements in health
291 clubs/spas/gyms, bowling alleys, athletic training/instructional facilities, or to short
292 term care in a licensed child care facility. A determination as to status as a drop-in
293 child care facility will be made by the Department on a case by case basis.

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27. *Fictitious name documentation* – (1) A copy of the applicant’s, license holder’s, or certificate holder’s current fictitious name registration, issued by the Division of Corporations of the Florida Department of State; or (2) a written statement by the applicant, certificate holder, or license holder setting forth the reason why compliance with the Fictitious Name Act (section 865.09, Florida Statutes, as amended or replaced) is not required.
28. *Field trip* -- Any excursions from the premises of a child care facility, excluding regular transportation to and from the facility for child pick up and delivery.
29. *First-aid training* -- refers to a current certification card in a course of instruction designed to provide fundamental principles, knowledge, and skills in first-aid and accident prevention equivalent to the Red Cross Standard First-Aid Course. Such course shall be a “hands-on course” with real time classroom instruction.
30. *Florida Child Care Professional Credential (FCCPC)* – A credential pursuant to Section 402.305(3)(b), F.S., that certifies successful completion of a DCF-approved training program, that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight years, and at least two methods of formal assessment that offers two areas of certification. “Birth Through Five” (formerly the DCF-approved CDA Equivalency training programs) and “School-Age” (formerly the Florida School-Age Certification). Credentials must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, A copy of CF-FSP 5270 may be obtained from the Florida Department of Children and Families’ website at www.myflorida.com/childcare. Active credentials are valid for five years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained from the Department of Children and Families’ website at www.myflorida.com/childcare
31. *Florida Department of Education Child Care Apprenticeship Certificate (CCAC)* – A DCF approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Families’ website at www.myflorida.com/childcare.
32. *Florida Department of Education Early Childhood Professional Certificate (ECPC)*” - A DCF- approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Families’ website at www.myflorida.com/childcare
33. *Florida Department of Education School-Age Professional Certificate (SAPC)*” - A DCF-approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Families’ website at www.myflorida.com/childcare
34. *Group* – A facility-designated unit of children usually organized by age-group that are under the care and supervision of the same designated staff member(s), and are engaged in the same program of activities at the same time in the same room or common area.
35. *Handicapped child* -- A child with deafness, hearing impairment, blindness, visual impairment, musculoskeletal handicap, speech impairment, health or developmental impairment, mental retardation, serious emotional disturbance, specific learning disability, who by reason thereof requires special services.

- 355 36. *Health Department* -- The Palm Beach County Health Department of the Florida
356 Department of Health, which is responsible for carrying out the administrative and
357 financial duties of the Board and for inspecting child care facilities in Palm Beach
358 County to insure compliance with these rules and regulations as well as with
359 applicable state laws and regulations. For the purposes of these rules, the Palm
360 Beach County Health Department may also be referred to herein as the Department.
361
362
- 363 37. *Health Provider Consultant* -- A Florida licensed pediatric physician; a Florida licensed
364 family practitioner; a physician's assistant with appropriate pediatric experience; an
365 advanced registered nurse practitioner (ARNP) with appropriate pediatric experience;
366 or a registered nurse with experience in pediatric nursing, who supervises or
367 provides direction to the licensed health caregiver, and is available for consultation.
368
369
- 370 38. *High School Diploma, GED and/or College Degree* - A diploma or degree obtained
371 from an institution accredited and recognized by U.S. Department of Education. High
372 school diplomas issued by private schools that are registered with the Florida
373 Department of Education will be accepted. If a high school diploma is earned
374 outside the U.S., it must be translated by an individual who is a member of the
375 American Translators Association, an approved credential evaluation agency
376 approved by the Bureau of Educators Certification, or an accredited
377 college/university. If a college degree is earned outside the U.S., it must be
378 evaluated by an approved credential evaluation agency approved by the Bureau of
379 Educators Certification or an accredited college/university to be equivalent to a U.S.
380 degree.
381
- 382 39. *Indoor recreational facility* -- An indoor commercial facility which is established for
383 the primary purpose of entertaining children in a planned fitness environment
384 through equipment, games, and activities in conjunction with or without food service,
385 and which provides child care for a particular child no more than four (4) hours on
386 any one day. An indoor recreational facility must be licensed as a child care facility
387 pursuant to these rules, but is exempt from the minimum outdoor-square-footage-
388 per-child requirement specified in Article X(B) of these rules, if the indoor
389 recreational facility has, at a minimum, 3,000 square feet of usable indoor floor
390 space designated for indoor play or fitness activities.
391
- 392 40. *Infant* -- A child less than twenty-four (24) months of age.
393
- 394 41. *Isolation area* --
395 a. In a facility not providing specialized child care for the mildly ill, this shall be a
396 room or area, adequately ventilated and heated, provided for the temporary
397 isolation of children with communicable diseases or who are displaying signs of
398 illness and are waiting to be picked up by the parent or guardian. This room or
399 area is to be conveniently located near hand washing and toilet facilities and
400 must be in an easily observable location. Such an area or room must be
401 provided with a cot, mat, or bed consisting of materials that can be sanitized
402 easily.
403
404 b. In a facility providing specialized child care for the mildly ill, this shall be a
405 room or a series of rooms within the child care facility for mildly ill children,
406 which provides separate airflow, and physical separation, from the rest of the
407 facility. The isolation area must include a separate toilet, hand washing facility
408 and diaper changing area. This area shall only be utilized when caring for
409 children with contagious diseases.
410
- 411 42. *License* -- A written operating permit issued to the owner of a care child care facility
412 by the department pursuant to Chapter 59-1698, Special Acts, Laws of Florida as
413 amended. This permit verifies that the child care facility complied with minimum

- 414 health and safety standards as set forth in these rules, and is permitted to operate in
415 Palm Beach County subject to conditions documented on the permit. Regardless of
416 the issue date, a license expires December 31 of each year. A certificate of
417 compliance or a certificate of substantial compliance may be issued in lieu of a
418 license for designated types of child care facilities.
419
- 420 43. *Licensed capacity*-- The maximum number of children or infants that may be cared
421 for by a facility at any one time whether on or off facility premises. This includes
422 children away from the facility on field trips. Licensed capacity shall be based on the
423 minimum requirements of these rules including indoor usable space measurements,
424 outdoor play area measurements, as well as the number of toilets, lavatories, and
425 water fountains. For the purposes of this rule, licensed capacity is the equivalent
426 of the approved capacity in facilities receiving certificates in lieu of a license.
427
- 428 44. *33.--Licensed Health Caregiver* -- means At a minimum a licensed practical nurse who
429 has knowledge and experience in the routine medical needs of mildly ill children, is
430 trained to perform the written physical assessment, and is under the direction of a
431 health provider consultant
432
- 433 45. *Medication* -- A drug or other substance used as a remedy for, or prevention of
434 illness:
435
- 436 (a) Recognized in the official United States Pharmacopoeia, official Homeopathic
437 Pharmacopoeia of the United States, official National Formulary, or any
438 supplement thereto;
439
- 440 (b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or
441 prevention of disease in man or other animals;
442
- 443 (c) Intended to affect the structure of any function of the body of man or other
444 animals;
445
- 446 (d) Intended for use as a component of any article specified in paragraph (a),
447 paragraph (b), or paragraph (c), but does not include devices, their
448 components, parts, or accessories; or
449
- 450 (e) Does not include topical non-medicated physical barriers as defined in Article
451 XIII (D).
452
- 453 46. *Mildly Ill children* -- Children exhibiting illnesses or symptoms of illnesses which have
454 caused or would cause them to be excluded from regular child care settings, as
455 defined in Article XIV (A) herein, and who need special attention and supervision,
456 and meet the admission criteria for mildly ill programs as described in Article XV (F)
457 of these rules.
458
- 459 47. *Nighttime care* -- Child care provided during the evening hours and may encompass
460 the hours of 6:00 PM to 6:00 AM to accommodate parents who work evenings and
461 late-night shifts. This term has the same meaning as "evening care" under 402.302,
462 Florida Statutes
463
- 464 48. *Operator/director*-- Any onsite administrator or individual of a child care facility who
465 has the primary responsibility for the day-to-day operation, supervision and
466 administration of the child care facility.
467
- 468 49. *Owner* -- The person(s) or entity who bear(s) legal ownership of the child care
469 facility operation or business and has ultimate responsibility for the overall operation,
470 administration and compliance with rules and regulations governing child care
471 facilities. This responsibility shall not be delegated or assigned.
472

- 473 50. *Parent* -- A person with legal custody of a child in care such as a mother, father, or
474 legal guardian.
475
- 476 51. *Sanitize* -- The application of an appropriate germicidal solution or agent to reduce
477 the number of disease-causing or other undesirable microbes by at least 99.9% on
478 nonliving surfaces or objects with which children have regular or frequent contact.
479
- 480 52. *Screening* -- The act of assessing the background of child care personnel and
481 includes, but is not limited to, employment history checks, local criminal records
482 checks through local law enforcement agencies, fingerprinting for all purposes and
483 checks in this subsection, statewide criminal records checks through the Department
484 of Law Enforcement, and federal criminal records checks through the Federal Bureau
485 of Investigation; except that screening for volunteers included under the definition of
486 personnel includes only local criminal records checks through local law enforcement
487 agencies for current residence and residence immediately prior to employment as a
488 volunteer, if different, and statewide criminal records correspondence checks
489 through the Department of Law Enforcement.
490
- 491 53. *School-aged child care* -- Child care provided for school aged children, that is, children
492 five (5) years of age and older, and provided in a manner and setting not exempted
493 elsewhere in these rules.
494
- 495 54. *Snack* -- A commercially pre-packaged non-potentially hazardous ready-to-eat-food
496 item that is wrapped for individual consumption. This also includes fresh, whole,
497 uncut, ready-to-eat non-potentially hazardous fruits and vegetables.
498
- 499 55. *Specialized Child Care Facilities for the Care of Mildly Ill Children* -- Any child care
500 facility, which provides child care for more than five mildly ill children unrelated to
501 the operator and, which receives a payment, fee, or grant for any of the children
502 receiving care, wherever operated, and whether or not operated for profit, for a
503 period of less than 24 hours per day. Specialized child care facilities may provide care
504 for mildly ill children in a facility specialized for this purpose, or as a component of
505 other child care services offered in a distinct and separate part of a regularly licensed
506 child care facility.
507
- 508 56. *Staff/personnel* -- All owners, operators, employees, substitutes, and volunteers
509 working in a child care facility. The term does not include persons who work in a
510 child care facility after hours when children are not present or parents of children in
511 Head Start. For purposes of screening, the term includes any member, over the age
512 of twelve (12) years, of a child care facility operator's family, or person, over the age
513 of twelve (12) years, residing with a child care facility operator if the child care
514 facility is located in or adjacent to the home of the operator or if the family member
515 of, or person residing with, the child care facility operator has any direct contact with
516 the children in the facility during its hours of operation. Members of the operator's
517 family or persons residing with the operator who are between the ages of twelve
518 (12) years and eighteen (18) years shall not be required to be fingerprinted but shall
519 be screened for delinquency records. A volunteer who assists on an intermittent
520 basis for less than 10 hours per month is not included in the term "personnel" for the
521 purposes of screening and training, if a person who meets the screening requirement
522 of section. 402.305(2), Florida Statutes, is always present and has the volunteer in
523 his or her line of sight. Students who observe and participate in a child care facility
524 as a part of their required coursework shall not be considered child care personnel,
525 provided such observation and participation are on an intermittent basis and the
526 students are under direct and constant supervision of child care personnel.
527
- 528 57. *Students* -- Students who observe and participate in child care as part of their
529 required course work. These students at all times shall be under direct and constant
530 supervision of child care personnel. Students shall not be considered staff.
531

- 532 58. *Substantial compliance* -- That level of adherence to child care rules and regulations
533 which is sufficient to safeguard the health, safety and well-being of all children under
534 care. Substantial compliance is greater than minimal adherence, but not to the level
535 of absolute adherence. Where a violation or variation is identified as the type which
536 impacts, or can be reasonably expected within ninety (90) days to impact, the
537 health, safety or well-being of a child, there is no substantial compliance.
538
- 539 59. *Substitute* -- Any fully screened and trained adult engaged to provide care for
540 children in the absence of regular staff persons. This does not include volunteers.
541
- 542 60. *Training Coordinating Agencies* -- Authorized contract providers, designated by the
543 Department of Children & Families, and responsible for the coordination of child care
544 personnel training at the district/regional level.
545
- 546 61. *National Early Childhood Credential (NECC)* - An early childhood credential,
547 pursuant to s. 402.305(3)(c), F.S, approved by the DCF and recognized by licensing
548 authorities in at least five (5) states that incorporates 120 hours of early childhood
549 instruction, 480 contact hours with children ages birth through eight (8) years and
550 includes at least two (2) methods of formal assessment. This includes the Child
551 Development Associate (CDA) credential issued by the Council for Professional
552 Recognition in Washington, DC. A list of approved and recognized NECC programs
553 may be obtained on the Department of Children and Families' website at
554 www.myflorida.com/childcare.
555
- 556 62. *Training Transcript* -- The electronic documentation of Florida statutorily mandated
557 training and staff credential qualifications for child care personnel. Training
558 transcripts may be downloaded on the Department of Children and Families' website
559 at www.myflorida.com/childcare .
560
- 561 63. *Usable space* -- Those areas available for indoor play, classrooms, work area,
562 napping space, or sleeping space. Usable space does not include areas occupied by
563 hallways, stairways, toilet facilities, bath facilities, kitchens, offices, storage areas,
564 permanent fixtures, non-movable furniture, and other areas not used in normal day
565 to day operations. Shelves or storage for toys and other materials shall be
566 considered usable space if accessible to children.
567
- 568 64. *Violation* -- Noncompliance with any provision of these rules or applicable provisions
569 of §§. 402.301 - 402.319, Florida Statutes, as amended or replaced.
570
- 571 65. *Volunteer* -- A person who assists staff in the care, protection, and supervision of
572 children who has not met all minimum screening, training and other requirements
573 imposed on child care personnel by these rules and regulations. Unless otherwise
574 specifically provided herein, a volunteer will not be considered staff for purposes of
575 supervision and staff ratio requirements.
576
- 577 66. *Weekend child care* -- Child care provided on weekends, and may encompass the
578 hours between 6 p.m. on Friday and 6 a.m. on Monday.

ARTICLE IV. LICENSURE PROCEDURE

A. License or certificate required.

1. It shall be unlawful for any person, firm or corporation to establish, maintain, or operate a child care facility in Palm Beach County, without first obtaining a license or certificate pursuant to these rules and regulations.

(a) Certificate of Compliance Facilities:

Bona fide religiously affiliated child care programs, which comply with these minimum standards of health, safety and well-being, as specified herein, after demonstrating to the Department and the Child Care Advisory Council that said standards have been met, and after payment of applicable fees, may be given a certificate of compliance in lieu of a license.

Institutions qualifying for certificates of compliance must submit a statement of purpose and intent. It is understood that freedom of religion as expressed in the Florida and Federal constitutions shall remain inviolate. Moreover, institutions receiving certificates of compliance do so with the willingness to abide by rules relating solely to the health, safety and well-being of the children. Acceptance of a certificate of compliance shall in no way constitute a waiver of any institution's right to legally challenge any rule or regulation embodied herein.

(b) Certificate of Substantial Compliance Facilities:

Non-public schools in which certain programs are deemed by the Department as child care are subject to the provisions of these rules. Non-public school programs for children who are at least three (3) years of age, but under (5) five years of age need not be licensed provided: a) the programs in the non-public schools are operated and staffed directly by the non-public schools; b) a majority of the children enrolled in the non-public schools are five (5) years of age or older; c) there is compliance with the screening requirements for personnel pursuant to these rules; and d) the program substantially complies with these minimum child care standards. After demonstrating to the Department that substantial compliance has been met, and after payment of applicable fees, such programs may be given a certificate of substantial compliance in lieu of a license, subject to Council approval.

Where a violation or deviation from these rules is identified as the type which impacts, or can be reasonably expected within ninety (90) days to impact, the health, safety or well-being of a child, there is no substantial compliance, and a childcare license shall be required.

2. THE CHILD CARE ADVISORY COUNCIL

- (a) The Board of County Commissioners of Palm Beach County, Florida, acting in the capacity as the Child Care Facilities Board is the local licensing agency to license child care facilities in Palm Beach County. The Board has designated the Child Care Advisory Council to act on the Board's behalf for the purpose of issuance and revocation of licenses, certificates of compliance, and certificates of substantial compliance. The Department shall serve as staff to the Child Care Advisory Council.

(b) Appointment and Termination

- (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as amended, the Palm Beach Board of County Commissioners, sitting as the Child Care Facilities Board, shall appoint a Child Care Advisory Council. Members of the Child Care Advisory Council shall serve at the pleasure of

the Board of County Commissioners and may be removed without cause at any time. The Council shall be composed of seven members consisting of the following: Two members who represent and operate as a private enterprise a facility regulated hereunder; one of whom operates a family day care home or a large family child care home. One member who represents and operates a parochial facility regulated hereunder. One member who represents a consumer protection enforcement official. One member for fire protection, engineering, or technology. One member who at the time of appointment was a parent of a child in a facility regulated hereunder. One member who represents the Department of Children & Families.

- (ii) The Council shall make a recommendation to the Child Care Facilities Board for removal of members for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. An exception may be made for extenuating circumstances involving serious illness. However, the exception would only allow for absence from four consecutive meetings. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Special meetings shall not be counted towards the attendance requirements.
- (iii) In the event that any council member is no longer a qualified elector, or the member is convicted of a felony or an offense involving moral turpitude while in office, the Child Care Facilities Board shall terminate the appointment of the member.

(c) Officers:

At an annual organizational meeting, the Council shall elect a Chair and Vice-Chair from among the members. The term of Chair and Vice-Chair shall be one year. The Chair shall be in charge of all procedures before the Council and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Council. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all the powers of the Chair.

(d) Rules of Procedure:

- (i) Quorums:
The presence of a majority of the members of the Council shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.
- (ii) Robert's Rules of Order:
All meetings shall be governed by Robert's Rules of Order.

(e) Meetings

- (i) The location of all meetings shall be in Palm Beach County, Florida.
- (ii) If a matter is postponed due to lack of a quorum, the item shall be scheduled to the next regularly scheduled meeting, unless a Special Call meeting is convened.
- (iii) Special Call meetings may be called by the Chair of the Council, in writing by a majority of the members of the Council or orally by a

696 majority of the members of the Council at any meeting.
697
698 (iv) All meetings and public hearings shall be open to the public.
699
700 (v) All meetings shall be set for time certain after due public notice. Due
701 public notice shall include notification that a record is required to
702 appeal a final decision of the Council pursuant to F.S. § 286.0105, as
703 amended or replaced.
704
705 3. The director of the Department or his/her representative is charged with the
706 administration and financial responsibility of carrying out the duties of the Board,
707 including, but not limited to, issuing licenses or certificates after approval and
708 inspecting child care facilities, as required by these rules and regulations.
709
710 4. License Application
711 Application for a child care facility license, certificate of compliance, or certificate of
712 substantial compliance shall be made in writing on a form, and containing such
713 information, as prescribed by the Department. The application for licensure is not
714 complete until all required information and supportive documentation are submitted
715 to the department.
716
717 All applications for new facilities, change of ownership, addition of service, change in
718 use or increase in capacity of facilities must be submitted to the Department for
719 review prior to licensure or issuance of applicable certificate. Applications, with the
720 required substantiating documentation, must be submitted to the Department at least
721 three (3) weeks prior to the scheduled monthly meeting of the Palm Beach County
722 Child Care Advisory Council. An application for change of ownership means an
723 application for licensure or certificate on a currently approved facility from any person
724 or persons, including corporations and other distinct entities, other than the current
725 license holder or certificate holder.
726
727 Applications for certificate of substantial compliance shall likewise be submitted to the
728 Department with substantiating documentation for review and approval prior to the
729 Department's issuance of said certificate. In lieu of an application form, applicants for
730 certificate of substantial compliance shall submit a completed non-public school &
731 preschool program information form.
732
733 In the case of corporate ownership, a change of ownership shall include each time
734 the stock ownership is changed so as to effectively put the child care facility under
735 new management or control, as evidenced by a change in corporate officers,
736 corporate directors and/or facility directors. A change of ownership does not occur
737 within the meaning of this rule if the existing corporate entity, with or without the
738 execution of a Name Change Amendment, makes no changes which effectively place
739 the child care facility under new management or control, as set forth above, and the
740 child care facility has no record of adjudicated Class 1 Violations, and is not currently
741 under a Corrective Action Plan.
742
743 The following documentation must accompany the completed applications or
744 completed non-public school & preschool program information forms (Substantial
745 Compliance Application Forms):
746
747 a) A satisfactory facility inspection report documenting that the facility is in
748 compliance with all applicable child care licensing standards.
749
750 b) A letter from a physician stating that the applicant is physically qualified to
751 care for children and free of tuberculosis as indicated by an approved TB risk
752 assessment and/or skin test or chest X-ray administered within the
753 preceding six (6) months.
754

- c) Proof of ownership of the real property. A copy of the recorded property deed or a current tax bill will serve as proof of ownership and a lease agreement or management agreement (if applicable).
- d) A copy of the Certificate of liability insurance. The certificate holder is to be the Department.
- e) A copy of the Certificate of insurance evidencing the required coverage for worker's compensation, or a notarized affidavit attesting that worker's compensation insurance is not applicable. The certificate holder is to be the Department.
- f) Notarized statements attesting to good moral character of the owner and, if not the same person, of the operator.
- g) Proof of Level 2 screening clearance.
- h) Evidence of completion by the owner and operator of the pre-licensing workshop conducted by the Department.
- i) Five-year employment history and listing the name, address and phone number of the three (3) persons submitting character references.
- j) Three (3) letters of character references, two (2) must be non-unrelated to the applicant.
- k) Two sets each of facility floor plans and site plans that have been reviewed and approved by the Department.

All new establishments shall submit two (2) sets of current permitted construction plans of the total facility indicating exits, windows and essential equipment with the application to operate a child care facility. Two (2) sets of the site plan must be submitted showing location of the building thereon, and accurately depicting all relevant site features. The site plan must be the most current site plan approved by the local zoning authority.

Before any alterations or modifications to an existing facility may be made, plans must be submitted to the Department showing the existing configuration and proposed changes. Scale on all drawings shall not be less than 1/8 inch = 1 foot. The plans must contain front, side and rear elevations. All plans must be of professional quality. For change of ownership of existing facilities, two (2) sets each of a current floor plan and site plan must be submitted with the application.

Any existing facility providing a new or relocated service including a change of ownership, must comply with the Palm Beach County Rules and Regulations Governing Child Care Facilities in effect at the time the proposal is submitted to the licensing agency.

- l) A satisfactory fire inspection report for the proposed child care facility.
- m) If applicable, a current corporate status sheet issued by the Florida Department of State.
- n) Fictitious name documentation.
- o) Verification of current Director Credential for facility operator/director for applicants for child care facility license or certificate of compliance.

814 p) Verification of approval from applicable Building, Fire, and Zoning
815 Departments as evidenced by respective sign-offs on the application form.
816
817 q) Proof of compliance with mandatory radon testing and reporting
818 requirements.
819
820 5. Any material false statements contained in said application or non-public school
821 preschool information form shall be grounds for denial or revocation of the license, or
822 certificate of compliance, or certificate of substantial compliance.
823
824 6. The application or non-public school preschool information form must be completed
825 and signed by the owner, prospective owner, or designated representative of the
826 owner or prospective owner if the owner is a partnership, association or corporation.
827 Within thirty (30) days after receipt of the application, the Department or Council shall
828 examine the application, notify the applicant of any apparent errors or omissions, and
829 request any additional information needed to complete the application. The term
830 "applicant" shall mean the individual applicant if the applicant is an individual, or the
831 designated representative if the applicant is a partnership, association, or corporation.
832
833
834 If the applicant is a partnership, the application shall contain the name and address of
835 every partner thereof. If the applicant is a corporation, firm, or association, the
836 application shall contain its name and address, and the names and addresses of the
837 members of the board of directors, officers, and its registered agent.
838
839 The application and supporting documentation must be complete, truthful and correct.
840 Falsification or significant omission of applicant information is grounds for denial to
841 operate a child care facility and for the imposition of penalties as stated in Florida
842 Statutes, § 402.319, as amended or replaced.
843
844 Whenever a licensed facility or a certificate of compliance facility is sold or the
845 ownership is changed, the new or prospective owner or designated representative of
846 the prospective owner, shall make application to the Board via the Child Care Advisory
847 Council through the Department for a new license or applicable certificate, pursuant to
848 Article IV (A) (5) herein, at least forty-five (45) days prior to the date of requested
849 approval. A new owner must receive a license or certificate prior to the time a new
850 owner assumes responsibility for the facility. The Board, via the Council, shall grant or
851 deny the reapplication for licensure or certificate of compliance within forty-five (45)
852 days from the date upon which the applicant submits a complete application or receipt
853 of timely requested additional information or correction of errors or omissions. Failure
854 to obtain a new license is subject to penalties in accordance with Florida Statutes, §
855 402.312, as amended or replaced, and Sections 10 and 11, Chapter 2010-249, Special
856 Acts, Laws of Florida, as amended or replaced. The present license or certificate holder
857 will continue to be held responsible for the facility until the Board, via the Department,
858 has issued the new license or certificate of compliance.
859
860 Whenever a certificate of substantial compliance facility is sold or the ownership is
861 changed, the new or prospective owner or designated representative of the
862 prospective owner shall make application through the Department for a new certificate
863 of substantial compliance, pursuant to Article IV (A) (5) herein, at least forty-five (45)
864 days prior to the date of requested approval. A new owner must receive a certificate
865 prior to the time a new owner assumes responsibility for the facility. The Department
866 shall grant or deny the reapplication for certificate of substantial compliance within
867 forty-five (45) days from the date upon which the applicant submits a complete
868 application or receipt of timely requested additional information or correction of errors
869 or omissions. Failure to obtain a new certificate shall be deemed failure to
870 substantially comply with these rules and is subject to Sections 10 and 11, Chapter
871 2010-249, Special Acts, Laws of Florida and Article XXI herein. The present certificate
872 holder will continue to be held responsible for the facility until the Department has

873 issued the new certificate of substantial compliance.
874
875 Whenever the operator of a facility changes, the Department must be notified in
876 writing prior to or at the time of the change.
877
878 In addition, no less than one week prior to a transfer of ownership of a child care
879 facility, certificate of compliance facility, substantial compliance facility or child care
880 facility for mildly ill children, the parent or legal guardian of each child shall be notified
881 in writing by the facility owner of the impending transfer. Such notice may be in the
882 form of information incorporated into an existing newsletter, or individual letters or
883 fliers, or be posted conspicuously at the facility.
884
885 7. After having determined that minimum standards are met and the applicant otherwise
886 meets the requirements for licensure or issuance of an applicable certificate, the
887 Council shall approve the application and direct the Department to issue a license or
888 certificate upon payment of any required fees. In order to assure that the minimum
889 requirements of these rules are met, the Council may impose appropriate conditions on
890 the grant of the license or certificate of compliance which conditions shall not be
891 inconsistent with the provisions of these rules and regulations. Should the Council
892 determine, or lack sufficient information to determine, that minimum standards have
893 not been met, the Council shall refer the application to the Department to address
894 concerns or deficiencies. Should compliance not be met within 30 days, the
895 Department shall issue a written denial of the application, pursuant to Article V of
896 these rules.
897
898 8. License Renewal
899 Unless revoked or surrendered, all licenses or certificates of compliance or certificates
900 of substantial compliance shall expire December 31st of each year. All applications for
901 renewal for the following calendar year must be completed and filed with the
902 Department no later than November 1st of the current year. Applications not timely
903 filed may cause delay in licensure or issuance of certificate beyond the date of
904 expiration and subject the licensee or certificate holder to penalties for violation of
905 Article IV(A)(1) of these rules. The application for licensure is not complete until all
906 required information and supportive documentation are submitted to the department.
907
908 9. The following documents must accompany the renewal application form:
909
910 a. Completed Release of Information for local screening of ~~for~~ applicant, owner,
911 and operator.
912
913 b. Fees for local screening of applicant, owner, and operator.
914
915 c. An affidavit attesting that all child care personnel have been screened. Names
916 of all employees must be included on the Child Care Facility Current Personnel
917 List Affidavit. This document must show the date local screening was
918 conducted and clearance to continue working in the child care facility was
919 verified for each current employee and volunteer. To satisfy this requirement,
920 the annual local screening (local arrest history check) by Palm Beach County
921 Sheriff's Office must be conducted after July 31 of the current year.
922
923 d. A copy of the satisfactory current annual fire inspection report;
924
925 e. A copy of the Certificate of Insurance for the child care facility.
926
927 f. If the applicant is a corporation, a current corporate status sheet issued by the
928 Florida Department of State.
929
930 g. Revised fictitious name documentation reflecting any additions or changes.

- 930 h. Proof of ownership of the real property, demonstrating whether there has been
931 any change in status or revision or renewal of any lease or management
932 agreement currently on file with the Department or a signed statement from the
933 owner attesting that there has been no material change in the ownership, lease
934 or management agreement since the issuance of the last license.
935
- 936 i. Verification of a current Director Credential for the facility operator/director for
937 applicants for a child care facility license or certificate of compliance.
938
- 939 10. Any false statements, information, or material omissions contained in the renewal
940 application may be grounds for denial or revocation. All licenses or applicable
941 certificates shall be issued only upon submission of completed renewal application
942 documentation, payment of required fees, and completion of current satisfactory
943 inspection of the facility by the Department.
944
- 945 11. Failure to submit a complete Application for a License to Operate a Child Care Facility
946 for renewal of an annual license at least 45 days prior to the expiration date of the
947 current license constitutes a licensing violation. The department shall issue an Notice
948 of Administrative Action imposing a fine of \$100.00 for the first occurrence, \$200.00 for
949 the second occurrence, and \$300.00 for each subsequent occurrence within a five
950 year period.
951
- 952 12. A license or applicable certificate may not be transferred or assigned and shall be void
953 when ownership or possession of the child care operation changes. A license or
954 applicable certificate shall be valid for no premises other than those for which it was
955 originally issued.
956
- 957 The license or applicable certificate shall remain the property of the Child Care
958 Facilities Board and shall be returned to the Department if void before the expiration
959 date printed thereon. Upon approval of change of ownership, the previously approved
960 license or certificate shall be deemed null and void, subject to payment of applicable
961 fees and the satisfaction, by the applicant, of any conditions set forth by the Child Care
962 Advisory Council in accordance with Article IV (A)(7) herein.
963
- 964 13. Upon issuance, said license or certificate shall be displayed in a conspicuous place
965 inside the child care facility. The face of the license or certificate shall require the
966 license or certificate holder to comply with these rules. The licensed or allowable
967 capacity of the childcare facility shall be designated on the face of the license or
968 certificate as well as the maximum number of infants that may be cared for at any one
969 (±) time. At no time may shall a child care facility exceed the capacity approved by the
970 licensing agency. No error or miscalculation leading to an overestimation of the
971 approved capacity shall be deemed to create any right in the continuation of the
972 overestimated number. The Department may amend the designated capacity on a
973 license or certificate to correct any errors or reflect any changes it discovers.
974
- 975 14. A license, certificate of compliance or certificate of substantial compliance shall not be
976 issued or renewed nor shall a change of ownership be approved if the applicant,
977 licensee or certificate holder has an outstanding unpaid fine assessed for violation of
978 these rules and regulations. In the case of an application for change of ownership for
979 an existing child care facility having an outstanding fine, the outstanding fine shall be
980 paid before a license or certificate is issued. For the purposes of these rules,
981 outstanding fines refers to civil penalties assessed by the Environmental Control
982 Hearing Board, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced,
983 and in accordance with Article XXI of these rules.
984
- 985 15. A child care facility license or certificate shall be issued in the name of the owner,
986 partnership, association, or corporation.
987

16. If for any reason the child care facility is operating without the required annual license or certificate, the owner or operator shall post notice in a conspicuous place in the facility informing customers and visitors that the facility is operating without the required license/certificate. The notice shall be posted on the day the facility starts operating without the regular annual license/certificate, and shall not be removed until the facility receives and posts the required annual license/certificate. A regular license/certificate does not include provisional or probationary licenses.
17. All prospective owners or operators of a child care facility shall attend a pre-licensing workshop conducted by the Department prior to the application being presented to the Child Care Advisory Council for approval. A new operator or director, who assumes responsibility for a facility that is already licensed or certified, shall attend this workshop within six months of being named director of the child care facility. Other directors and credentialed staff members also may attend the licensing workshop for required in-service training hours, or as part of a corrective action for non-compliance. The pre-licensing workshop will cover subjects critical to the effective operation of the facility such as background screening, personnel training, records management, license renewal, transportation requirements, food service requirements, and general safety requirements.
- B. Minimum standards for the issuance of licenses & certificates**
1. Standards established by these rules and regulations shall meet or exceed state child care standards set forth in Chapter 402, Florida Statutes, as amended, or replaced, and Florida Administrative Code provisions established pursuant to Florida Statutes, § 402.305, as amended or replaced, which standards are expressly incorporated herein by reference. In the event of a conflict between these rules and state child care standards, the more stringent shall apply.
 2. No 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 notice published in a newspaper of general circulation in Palm Beach County at least ten (10) days prior to the hearing.
 3. When approved by the Board and filed with the Clerk of the Board of County Commissioners, such rules and regulations have the force and effect of law.
 4. To insure that accurate statistical data is available, the Department shall report annually to the Department of Children and Families the number of family day and child care facilities under the jurisdiction of the Child Care Facilities Board, the number and age range of children served, and the number of revocations and denials of licenses during the previous year.
 5. Insurance requirements.
 - a) At time of licensure or certification, and before providing any child care services, the owner or operator of a child care facility shall have obtained a comprehensive general liability policy in the minimum amount of no less than one hundred thousand dollars (\$100,000.00) as a continued single limit for bodily injury and property damage. The facility must provide the Department with a certificate of insurance evidencing the required coverage. The facility shall be required to give the local licensing agency thirty (30) days notice prior to cancellation of the policy.
 - b) The facility shall continuously maintain no less than the minimum required insurance. Failure to maintain the minimum dollar amount of the insurance required herein shall be a violation of these rules subject to such penalties as are provided by law, resolution or ordinance for the violation of these rules. In addition, failure to maintain the minimum dollar amount of insurance shall

- 1047 constitute a basis for revocation of license subject to the procedures set forth in
1048 Article V of these rules.
- 1049
- 1050 c) All child care facilities shall comply with the Florida Worker's Compensation
1051 Laws. The facility must provide the Department with a certificate of insurance
1052 evidencing the required coverage, or a notarized statement attesting that
1053 worker's compensation insurance is not applicable. The facility shall be required
1054 to give the local licensing agency thirty (30) days notice prior to cancellation of
1055 the policy.
- 1056
- 1057 C. Provisional License
- 1058 1) The Department may issue a provisional license or certificate for a child
1059 care facility to applicants requesting an initial license or certificate, or
1060 renewal of an existing license or certificate, and who are unable to meet all
1061 the standards provided for in these rules and regulations.
- 1062 2) The Department, upon approval of the Child Care Advisory Council, may
1063 issue a provisional license or certificate allowing a facility to operate for a
1064 designated period of time while working to comply with one or more
1065 licensing standards, provided the owner is making adequate provisions to
1066 ensure the health and safety of the children in care. A provisional license is
1067 not a disciplinary sanction.
- 1068 3) A provisional license or certificate shall not be issued unless the operator
1069 or owner makes adequate provisions for the health and safety of the
1070 children. A provisional license or certificate shall not be issued unless the
1071 child care facility is in compliance with the requirements for screening of
1072 child care personnel, substitutes, or volunteers.
- 1073 (4) A provisional license or certificate shall not be issued for a period that
1074 exceeds 6 months; however, under unusual circumstances beyond the
1075 control of the applicant, it may be renewed one time for a period that may
1076 not exceed 6 months
- 1077 (5) The Department may issue a provisional license for a period not to exceed 6
1078 months for a facility without a credentialed director.
- 1079 (6) A provisional license or certificate may be suspended or revoked if
1080 periodic inspections or review by the department indicates that insufficient
1081 progress has been made toward compliance.
- 1082
- 1083 D. Probationary License
- 1084 1. A probationary license indicates that the annual license is in jeopardy
1085 of being revoked or not renewed due to violations of licensing
1086 standards, and in keeping with the Department's progressive
1087 enforcement matrix. A probationary license or certificate shall not be
1088 issued as an initial license or certificate for a new facility.
- 1089
- 1090 2. A probationary status license or certificate is used as a disciplinary
1091 sanction for repeated noncompliance with licensing requirements. A
1092 probationary status license that is issued due to non-compliance within
1093 the provider's control is valid for up to six months. A probationary
1094 status license issued for this reason may not be renewed.
- 1095
- 1096 3. A probationary status license issued for non-compliance may be
1097 suspended or revoked if monthly inspections by the Department find
1098 that the provider is not in compliance with the terms of the corrective
1099 action plan, or that the provider is not making sufficient progress
1100 toward compliance with the licensing requirements.

1101
1102 4. Probation requires the licensee to comply with specific conditions
1103 intended to ensure that the licensee comes into and maintains
1104 compliance with licensing standards. Examples of such conditions are:
1105 a deadline to remedy an existing violation, a specified period during
1106 which compliance with licensing standards must be strictly maintained;
1107 and specified conditions under which the facility must operate during
1108 the probationary period.
1109
1110 5. A probationary license or certificate may be granted only by the Child
1111 Care Advisory Council on the recommendation of the Department, to
1112 satisfy the remedy prescribed in the Department's child care licensing
1113 enforcement procedures, or as an alternative to revocation of a license
1114 or certificate or denial of an application for renewal of an annual
1115 license or certificate.
1116
1117 E. Advertisements.
1118
1119 1. It shall be a violation of these rules for any person or entity to advertise or otherwise
1120 offer child care services without first obtaining a valid license, certificate of
1121 compliance or certificate of substantial compliance.
1122
1123 2. Any person advertising a child care facility to the public in any way or by any medium
1124 whatsoever, ~~by printed notice or broadcast,~~ must include in the advertisement the
1125 facility's local agency license number or certificate number. This requirement
1126 includes, but is not limited to, advertisements in the yellow pages of the telephone
1127 directories, community bulletin boards, fliers, pamphlets, classified ads, signs, radio,
1128 television, electronic media, and other advertising media. This requirement does not
1129 apply to classified ads for employment purposes, or construction signs that merely
1130 indicate the type of facility being built and include no contact information or customer
1131 solicitation.
1132 F. Fees.
1133 No license or certificate authorizing a person or entity to operate a child care facility in
1134 Palm Beach County, pursuant to Chapter 59-1698, Laws of Florida, as amended, shall
1135 be issued until such person or entity has paid a fee according to the fee schedule
1136 below:
1137
1138 1. Child Care Facility. For operation of a child care facility with a licensed or approved
1139 capacity of twenty-five (25) children or less, the annual license or certificate fee
1140 shall be equal to one hundred and fifty dollars (\$150.00). For operation of a child
1141 care facility with a licensed or approved capacity greater than twenty-five (25)
1142 children, the annual license or certificate fee shall be equal to one hundred and
1143 fifty dollars (\$150.00) plus four dollars (\$4.00) for each child allowed to attend the
1144 facility in excess of twenty-five (25) children as authorized by the facility's licensed
1145 or approved capacity. "Licensed" or "approved capacity" is indicated on the license
1146 or applicable certificate and refers to the maximum number of children that may
1147 lawfully be cared for by a facility at anytime.
1148
1149 2. Prorated Fees for Mid-year Licensure. Child care facilities obtaining a license after
1150 the beginning of the calendar year, and child care facilities seeking to increase
1151 licensed capacity, shall be required to pay a prorated fee as follows:
1152
1153 **For licenses/certificates issued: License/certificate fee required:**
1154
1155 Jan.1 through Mar. 31 100% of required annual fee
1156
1157 Apr. 1 through Jun. 30 75% of required annual fee

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|-------------------------|-----|----|----------|--------|-----|
| Jul. 1 through Sept. 30 | 50% | of | required | annual | fee |
| Oct. 1 through Dec. 31 | 25% | of | required | annual | fee |
3. Change of Ownership Fee: Child care facilities obtaining a change in ownership shall be required to pay an administrative fee of fifty dollars (\$50.00), in addition to the applicable license or certificate fee.
4. Authority to collect fees. The Department is authorized to collect the fees imposed herein and apply said fees to cover its costs associated with inspection, certification, and licensing under Chapter 59-1698, Special Acts, Laws of Florida, as amended.

ARTICLE V: DENIAL OR REVOCATION OF LICENSE OR CERTIFICATE

A. Exclusion From Owning, Operating, Or Being Employed By A Child Care Facility Or Other Child Care Program:

(1) Ownership and operation of a child care facility, or employment by a child care facility may be excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or replaced.

(2) (1) Where the Department is aware of a history of enforcement or disciplinary action involving an applicant, owner or operator while being the owner, operator, or employee of a child care facility or family day care facility, the Department shall notify the applicant, owner, or operator, in writing, that such history could be grounds for denial or revocation of a child care facility license or certificate. Pursuant to Article VII (G)(1) herein, the Department shall refer the following to the Child Care Advisory Council to make determination as to the exclusion from owning or operating a child care facility in Palm Beach County and the denial or revocation of such license or certificate:

- (a) The applicant, owner, or operator of a child care facility or family day care facility whose license or certificate had been denied, revoked or suspended in any state or jurisdiction, or
- (b) The applicant, owner, or operator has been the subject of disciplinary action or had been fined while being the owner, operator, or employee of a child care facility or family day care facility in any state or jurisdiction.
- (c) Should the Council's initial determination be that there are possible grounds for denial or revocation, the Council shall direct the Department to issue a notice of intent to deny or revoke in accordance with Article V herein.

B. Intent to Deny or Revoke a License or Certificate

The Department shall deny, suspend, or revoke a license or certificate, or pursue other remedies including, but not limited to, the implementation of a corrective action plan and enforcement action as set forth in Article XXI herein, in addition to or in lieu of denial, suspension, or revocation for failure to comply with the standards herein.

- 1. When the Director of the Department has reasonable cause to believe that grounds for denial or revocation of a license or certificate exists, or when the Council has directed the issuance of a notice of intent to deny or revoke, the Director shall notify the applicant or licensee in writing, stating the grounds upon which the license or certificate is being denied or revoked.
- 2. If the applicant or licensee makes no written request for a hearing to the Child Care Advisory Council within fifteen (15) days from receipt of such notice, the license or certificate shall be deemed denied or revoked as the case may be.

C. Denial or Revocation Hearings

- 1. Such hearings are not granted pursuant to Florida Statute, Chapter 120, but are granted pursuant to Special Acts, Laws of Florida, Chapter 59-1698, as amended.
- 2. If a request for a hearing is made to the Child Care Advisory Council, a hearing shall be held within sixty (60) days and shall be conducted by the Child Care Advisory Council. Either party may be granted a one-time continuance of no more than thirty (30) days.

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3. All testimony shall be under oath and shall be recorded. Formal Rules of Evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
4. The Department shall provide personnel to act as Clerk to the Child Care Advisory Council for the purpose of the hearings and retention of the record.
5. The Council shall issue its written order within fifteen (15) days of said hearing, stating that the license or certification is denied, issued, revoked or retained as the case may be. Said order shall be sent to the applicant, licensee, or certificate holder by registered or certified mail return receipt requested. The Child Care Advisory Council's written order shall be considered final agency action.
6. Within 30 days after the Child Care Advisory Council issues its written order, any person whose substantial interests have been determined by the Council's decision shall have the right to seek review of said order by petitioning the Circuit Court in and for Palm Beach County for a *writ of certiorari*.

1252 **ARTICLE VI. PERSONNEL TRAINING**

1253
1254 Child care personnel training requirements and policies contained in section 65C-
1255 22.003, FAC and section 65C-22.008, FAC, and not covered below are hereby
1256 incorporated by reference.

1257
1258 *A. Child abuse and neglect training*

- 1259
1260 1. All operators, employees, volunteers and students shall have a statement on file
1261 at the child care facility that they have read or have had read to them and
1262 understand the contents of the pamphlet "Child Abuse and Neglect in Florida, A
1263 Guide for Professionals," CF- PI 175-17. This statement must be on file at the
1264 child care facility within three (3) days of employment.
1265 2. The pamphlet "Child Abuse and Neglect in Florida, A Guide for Professionals",
1266 shall be provided by the Department for this purpose.

1267
1268 *B. Forty-hour introductory child care training:*

- 1269
1270 1. Child care personnel must successfully complete the Florida
1271 Department of Children and Families (DCF) 40-hour Introductory
1272 Child Care Training, as evidenced by successful completion of
1273 competency based examinations offered by the department or its
1274 designated representative with a weighted score of 70 or better.
1275 Child care personnel who successfully completed the mandatory 40
1276 hour Introductory Child Care Training prior to January 1, 2004 are
1277 not required to fulfill the competency examination requirement.
1278
1279 2. All child care personnel must begin training within 90 days of
1280 employment and successfully complete training within 12 months
1281 from the date training begins. Training completion may not exceed
1282 15 months from the date of initial employment in the child care
1283 industry in any child care facility.

1284
1285 "Begin training for child care personnel" refers to a candidate's
1286 commencement of at least one of the child care training courses
1287 listed in Section 402.305(2)(d), F.S. This may be accomplished by
1288 classroom attendance in a DCF-approved training course, acquiring
1289 an educational exemption from a DCF-approved training course,
1290 beginning a DCF-approved online child care training course, or by
1291 receiving results from a DCF-approved competency examination
1292 within the first 90 days of employment in the child care industry in
1293 any licensed Florida child care facility. The child care facility is
1294 responsible for obtaining documentation from child care personnel.
1295 The begin date for training is the initial date an individual
1296 commences training in the child care industry.

1297
1298 Documentation of child care personnel's training initiation date must
1299 be completed on the employee application and included in the
1300 personnel record.

- 1301
1302 3. The 40-hour Introductory Child Care Training requirement is divided
1303 into two parts. Part I is comprised of 30 hours of training that
1304 consists of training courses developed by DCF, identified below:
1305
1306 a. Child Care Facility Rules and Regulations;
1307 b. Health, Safety and Nutrition.
1308 c. Identifying and Reporting Child Abuse and Neglect.
1309
1310 d. Child Growth and Development; and

- 1311 e. Behavioral Observation and Screening.
- 1312
- 1313 Part II is comprised of ten (10) hours of training that consists of a
- 1314 selection from the following DCF specialized training courses:
- 1315
- 1316 f. Infant and Toddler Appropriate Practices (10 hours);
- 1317 g. Preschool Appropriate Practices (10 hours);
- 1318 h. School-Age Appropriate Practices (10 hours);
- 1319 i. Special Needs Appropriate Practices (10 hours);
- 1320 j. ~~e~~-Basic Guidance & Discipline (5 hours online);
- 1321 k. ~~f~~-Early Literacy for Children Age Birth to Three (5 hours online);
- 1322 l. Early Childhood Computer Learning Centers (5 hours online),
- 1323 m. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors
- 1324 (5 hours online).
- 1325
- 1326 4. Exemptions from the Introductory Child Care Training.
- 1327 a. Child care personnel in compliance with the school-age
- 1328 requirements in paragraph 65C-22.008(4)(c), F.A.C., shall be
- 1329 considered in compliance with the child care personnel training
- 1330 requirements.
- 1331 b. Child care personnel who left the child care industry in
- 1332 compliance with training requirements, upon returning, shall be
- 1333 granted 90 days to comply with any new mandated training
- 1334 requirements. Completion of such training may be counted
- 1335 toward the in-service training requirement.
- 1336 c. Child care personnel who left the child care industry not in
- 1337 compliance with training requirements must complete required
- 1338 training prior to re-employment.
- 1339 d. Child care personnel employed at the same child care facility
- 1340 prior to October 1, 1992, with no break in employment with the
- 1341 same employer, are exempt from completing Part II of the child
- 1342 care training.
- 1343 e. The child care operator shall be required to take basic training in serving
- 1344 children with disabilities within three (3) years after employment, either
- 1345 as a part of the introductory training or the annual ten (10) hours of in-
- 1346 service training.
- 1347
- 1348 C. Early Literacy & Language Development
- 1349 1. All child care personnel shall complete a single course of training in early
- 1350 literacy and language development of children ages birth through five years.
- 1351 The course shall be a minimum of five clock hours or 0.5 CEUs. However,
- 1352 school age child care personnel meeting the requirements of 65C-22.008(4)
- 1353 are exempted from this requirement.
- 1354 2. Child care personnel must complete early literacy training within 12 months
- 1355 of the date of employment in the child care industry. Proof of completion
- 1356 must be documented on the certificate of course completion, classroom
- 1357 transcript, or diploma. In order to meet the literacy training requirement,
- 1358 child care personnel must complete one of the following:
- 1359 a. One of the DCF online literacy courses available on the
- 1360 department's website at www.myflorida.com/childcare; or

1361 b. One of the DCF-approved literacy training courses. A list of these
1362 courses may be obtained from the DCF website at
1363 www.myflorida.com/childcare. (No additional courses will be
1364 approved by DCF); or

1365 c. One college level early literacy course (for credit or non-credit) if
1366 taken within the last five years.

1367
1368 D. Documentation of Training.
1369

1370 1. Effective October 1, 2010, the DCF Training Transcript will be the only
1371 acceptable verification of successful completion of the training
1372 programs approved by DCF. Training completion documented on CF-
1373 FSP Form 5267, March 2009, Child Care Training Course Completion
1374 Certificate, which is incorporated by reference, will no longer be
1375 accepted by the department after October 1, 2010, nor will any
1376 previous version of the form. Form CF-FSP 5267 is provided to
1377 participants upon completion of a DCF-approved training course. A
1378 copy of the DCF Training Transcript may be obtained from the DCF
1379 website at www.myflorida.com/childcare.

1380 2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training
1381 Transcript must be included in each staff member's child care
1382 personnel record and maintained at each child care facility.

1383 3. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training
1384 Transcript for the director of a child care facility must be included in
1385 the department's official licensing file.

1386 4. Training documented on CF-FSP Form 5267 that is not included on an
1387 individual's Training Transcript must be sent to DCF or designated
1388 representative prior to October 1, 2010, to be documented on the
1389 individual's Training Transcript.

1390 5. As of October 1, 2010, any course completion certificate not
1391 documented on the Training Transcript may be considered invalid,
1392 requiring that the course(s) be retaken. Until the coursework is
1393 retaken and completed, child care facilities may be out of compliance
1394 with the mandated training standard.

1395
1396 E. Director Credential
1397

1398 1. Every child care facility director must have an active Director Credential. A
1399 Director Credential renewal, as documented on CF-FSP Form 5252, Florida
1400 Director Credential Certificate is active for five years from the date of
1401 issuance.

1402
1403 2. The following exceptions apply:
1404 a. A credentialed director is not required for facilities offering child care only
1405 during the evening hours as defined in Article XVI of these rules.
1406 b. The Director Credential is not required for certificate of substantial
1407 compliance facilities.
1408 c. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or
1409 replaced, may supervise multiple before-school and after-school sites.
1410

1411 F. Immunization & Health Records Training

1412 1. Facility operators shall complete the two (2) hour Immunization & Health
1413 Records training provided by the Department within six (6) months from the
1414 date of appointment to the position of facility director.

- 1415 G. Annual in-service training.
1416
1417 1. All child care personnel, except volunteers who work or assist intermittently less
1418 than 10 hours a per month, must complete ten (10) hours of annual in-service
1419 training. There are no exemptions from the annual in-service training for child
1420 care personnel. The annual ten (10)-hour or one (1) CEU in-service training
1421 must be completed annually during the state's fiscal year beginning July 1, and
1422 ending June 30.
1423
1424 2. The annual ten (10)-hour or one (1) CEU in-service training must be completed
1425 in one or more of the following areas:
1426
1427 a) Health and safety, including universal precautions;
1428
1429 b) CPR;
1430
1431 c) Nutrition;
1432
1433 d) Child development, typical and atypical;
1434
1435 e) Child transportation and safety;
1436
1437 f) Behavior management;
1438
1439 g) Working with families;
1440
1441 h) Design and use of child oriented space;
1442
1443 i) Playground safety;
1444
1445 j) Community, health and social service resources;
1446
1447 k) Child abuse;
1448
1449 l) Child care for multilingual children;
1450
1451 m) Working with children with disabilities in child care;
1452
1453 n) Guidance and Discipline;
1454
1455 o) Developing special interest centers/ spaces and environments; or
1456
1457 p) Literacy;
1458
1459 q) First Aid: this training may only be taken to meet the annual in-service
1460 requirement once every three (3) years.
1461
1462 r) Computer Technology;
1463
1464 s) Leadership development/program management and staff supervision;
1465
1466 t) Age appropriate lesson planning;
1467
1468 u) Homework Assistance for school age care;
1469
1470 v) Other appropriate course areas relating to child care or child care
1471 management which the training coordinating agencies have determined
1472 will further the aims of the training requirements.
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3. Documentation of the in-service training must be included in the child care facilities' personnel records and recorded on a current CF-FSP Form 5268 Child Care In-Service Training Record which is incorporated by reference, and included in the child care facilities' personnel records. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.
- H. Child development associate
- "CDA", a child development associate credential, is a national credential, recognized throughout the United States and the world, issued by the Council for Professional Recognition, in Washington, D.C.
1. **Staff Credentials**

In accordance with Florida Statutes, § 402.305(3), as amended or replaced, every licensed child care facility must have a minimum of one (1) credentialed staff member for every twenty (20) children with one (1) of the following qualifications:

 - a. An active National Early Childhood Credential (NECC).
 - b. Formal educational qualifications as cited on DCF form CF-FSP 5211
 - c. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC); Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC).
 - d. An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement.
 - e. Employment History Recognition Exemption. An Employment History Recognition Exemption shall not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.
- I. Training in First Aid and C.P.R.
1. At least one (1) adult staff member must hold a current first aid certification evidenced by a valid card in a Red Cross standard first-aid course or a comparable course specifically designed for child care facilities. At least one (1) adult staff so qualified shall be present at all times that children are in the care of the facility whether such children are on site, on a field trip, or being transported.
 2. At least one (1) adult staff member must hold current certification evidenced by a valid card in infant and child cardiopulmonary resuscitation provided by the American Red Cross, the American Heart Association, or other provider of a comparable course specifically designed for child care. At least one adult staff so qualified shall be present at all times that children are in the care of the facility whether such children are on site, on a field trip, or being transported.
 3. Certificates of course completion are valid based on the time frames established by each First Aid and CPR training program, not to exceed three (3) years. On-line Internet First Aid and CPR courses are acceptable to meet this standard, provided the trainings include an on-site instructor-based skills demonstration and assessment by a certified instructor. Only age-appropriate First Aid and CPR certification by a nationally-recognized provider will meet this requirement. Acceptable nationally-recognized training organizations

1531 include: American Red Cross, American Heart Association, National Safety
1532 Council, and American Safety and Health Institute.
1533 4. Documentation that identifies staff members who have met the first aid
1534 and infant and child cardiopulmonary resuscitation (CPR) training
1535 requirements shall be kept on file at the child care facility.
1536

ARTICLE VII. BACKGROUND AND SCREENING REQUIREMENTS

- A. In accordance with Chapter 435, Florida Statutes, as amended or replaced, as amended, each facility shall screen its personnel and those volunteers who assist at the facility using the Level 2 standards for screening set forth in that Chapter. Standards for screening shall also ensure that the person has not been judicially determined to have committed abuse or neglect against a child as defined in Florida Statutes, § 39.01, as amended or replaced.

Screening includes the following:

1. Level 2 screening as defined in Section 435.04, F.S., includes at a minimum Federal Bureau of Investigations (FBI), Florida Department of Law Enforcement (FDLE), and local law enforcement (Palm Beach County Sheriff's Office (PBSO)) records checks. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule
2. An employment history check must include the previous ~~two~~ five years, which shall include the applicant's job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file, and include dates, times, and the reason the information was not obtained.
3. A Child Care Affidavit of Good Moral Character must be completed for all child care personnel annually or in accordance with the Department's screening procedures. A copy of the Affidavit of Good Moral Character form may be obtained from the Department.
4. Evidence of background screening and compliance with this article shall be maintained at the facility and be available for inspection by the Department. The Department is authorized to prescribe the frequency and the forms for regularly submitting proof of compliance with this Article.

- B. In addition to personnel and volunteers, the following individuals shall be screened:

1. If the child care facility is located adjacent to or connected to the home of the owner or operator, family members and persons residing in the home shall also be screened using the Level 2 standards. This provision for Level 2 background screening shall also apply in instances where any other residence is located on the same property as the day care facility. Residents of this property that are 12 through 17 years of age are only required to complete the FDLE and local law enforcement records (PBSO) checks.
2. Child enrichment service providers
 - a. A child enrichment service provider must meet the Level 2 screening requirements prior to providing services to a child in a child care facility.
 - b. Documentation of completed background screening shall be available for child enrichment service providers whenever such persons are at the facility or working with children as part of the facility's program.
 - c. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel; however, facility and group staffing ratios and supervision requirements must be maintained in keeping with requirements set forth in Article VIII of these rules.

- 1596 3. All other persons who work in a child care facility during regular operating hours,
1597 including but not limited to office staff and maintenance staff, and who may have
1598 contact with children in care, shall also be screened using the Level 2 standards.
1599
- 1600 C. Screening Exceptions
- 1601 1. Volunteers who assist less than 10 hours per month must complete the statewide
1602 (FDLE) and local criminal records (PBSO) checks. Volunteers who assist 10 hours or
1603 more per month must meet the full Level 2 screening requirements for child care
1604 personnel.
- 1605 2. Persons who work in a child care facility after hours when children are not present,
1606 and parents of children in Head Start programs are not required to be screened.
- 1607 3. Students who observe and participate in a child care facility as part of their required
1608 course work are not required to be screened provided such observation and
1609 participation is on an intermittent basis and the students are under direct and
1610 constant supervision of child care personnel while at the facility.
- 1611 4. In lieu of fingerprinting, teachers and non-instructional personnel with proof of
1612 background screening clearance through employment by any of the State's school
1613 boards within the past ninety (90) days shall complete an affidavit of good moral
1614 character and a local criminal records check. Proof of current screening clearance
1615 must be provided prior to employment at the child care facility.
1616
- 1617 D. Responsibility for Screening
- 1618
- 1619 1. The Department of Children and Families (DCF) and the Department shall facilitate
1620 the screening and background checks for the owner, applicant, and operator of a
1621 child care facility when required by these regulations.
- 1622 a. The applicant for Level 2 screening shall submit fingerprints using electronic
1623 LiveScan through DCF-approved vendors. The facility shall submit to the
1624 Department all other required documentation and related fees for screening of
1625 owners, applicants, and operators.
- 1626 b. When disposition information is missing on screening results received from
1627 FDLE, it shall be the responsibility of the operator, upon request of the
1628 Department to obtain and supply the missing disposition information. Failure to
1629 supply missing information within thirty (30) days or to show reasonable effort
1630 to obtain such information shall result in automatic disqualification.
- 1631 c. A license or applicable certificate shall not be issued until all the applicants have
1632 been cleared and the Department has been notified of such results.
- 1633 d. A license or applicable certificate shall not be issued or renewed if any owner,
1634 operator, applicant, or child care personnel at the applicant facility has failed the
1635 screening required by Florida Statutes § 435.04, as amended or replaced.
1636
- 1637 2. Each facility licensed or certified hereunder shall be responsible for ensuring that all
1638 prospective employees, substitutes, volunteers, and child enrichment service
1639 providers are screened and cleared before they are allowed to work in the facility.
1640 It shall be the responsibility of the facility to fulfill the screening requirements of
1641 Chapter 435, Florida Statutes, as amended or replaced, including receiving
1642 information from the Florida Department of Law Enforcement and responding
1643 accordingly. It shall be a violation of these rules for any facility to fail to comply
1644 with the requirements of Chapter 435, Florida Statutes, as amended or replaced.
1645
- 1646 E. Disqualification based upon screening results
- 1647
- 1648 1. Any person who is required to undergo employment screening and who refuses
1649 to cooperate in such screening or refuses to submit the information necessary to
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- 1654 complete the screening, including fingerprints when required, shall be
1655 disqualified for employment in such position or, if employed, shall be dismissed.
1656
- 1657 2. A person who fails the Level 2 background screening requirements of Chapter
1658 435, Florida Statutes, as amended or replaced, shall not be permitted to
1659 volunteer or work as staff in any child care facility, unless the employee has
1660 been granted an exemption from disqualification by the Department of Children
1661 and Families pursuant to section 435.07, Florida Statutes, as amended or
1662 replaced.
1663
- 1664 3. The facility must terminate the use or employment of any person found to be in
1665 noncompliance with the minimum standards for good moral character contained
1666 in Chapter 435, Florida Statutes, as amended or replaced, or place such person
1667 in a position for which background screening is not required.
1668
- 1669 4. No person shall be an operator, owner of, or employee in a child care facility if
1670 that person:
1671 a. Has falsified screening application information.
1672 b. Has been found guilty of, regardless of adjudication, or entered a plea of
1673 *nolo contendere* or guilty to adult and/or child abuse, neglect or exploitation
1674 as defined in Chapter 415, Florida Statutes, or § 39.01, Florida Statutes, as
1675 amended or replaced.
1676
- 1677 5. The facility owner or director, upon receiving information that a child care
1678 personnel has been arrested for a disqualifying offense shall exclude that child
1679 care personnel from working with children. The personnel so excluded shall not
1680 be allowed to return to work with children until the child care facility receives
1681 documented proof that the individual is cleared and eligible to work with
1682 children.
1683
- 1684 F. Re-screening Required
1685
- 1686 1. Level 2 screening conducted under this rule is valid for five years, at which time
1687 a re-screen must be conducted. The five-year re-screen is required for all child
1688 care personnel. The five-year re-screen is a full Level 2 background screening.
1689
- 1690 2. A facility shall re-screen any child care personnel who has a break in
1691 employment in the child care industry for more than ninety (90) days.
1692
- 1693 3. Child care personnel are allowed up to one hundred eighty (180) days on a
1694 leave of absence employment status without re-screening, unless the five-year
1695 re-screen has become due during the leave of absence. Written verification of
1696 the leave of absence status, with the specific dates, must be completed by the
1697 owner or operator of the child care facility and included in the personnel record
1698 of the employee. For screening purposes, a leave of absence is not considered
1699 a break in employment, unless the individual sought and gained employment
outside of the child care industry during the leave of absence.
- 1700 G. Consideration of Applicant's History
1701
- 1702 1. The Department shall include on the application for a child care license or
1703 certificate of compliance a question asking the applicant, owner, or operator if
1704 any such person has ever had a license or certificate denied, revoked, or
1705 suspended in any state or jurisdiction or has been the subject of a disciplinary
1706 action or has been fined while employed in a child care facility. The applicant,
1707 owner, or operator shall attest to the accuracy of the information requested
1708 under penalty of perjury. If the applicant, owner, or operator admits that he/she
1709 has been a party in such action, the Council shall review the nature of the
1710 suspension, revocation, disciplinary action, or fine before granting the applicant
1711 a license or certificate to operate a child care facility. If the Council determines
1712 as the result of such review that it is not in the best interest of the State or
County for the applicant to be licensed or obtain a certificate, a license or a

- 1713 certificate shall not be granted in accordance with the procedures set forth in
1714 Article V (A) herein.
- 1715 2. The child care facility employer shall require that the application for a child care
1716 personnel position contain a question that specifically asks the prospective
1717 employee if he/she has ever worked in a facility that has had a license or
1718 certificate denied, revoked, or suspended in any state or jurisdiction or has been
1719 the subject of a disciplinary action or has been fined while employed in a child
1720 care facility. The prospective employee shall attest to the accuracy of the
1721 information requested under penalty of perjury. If the prospective employee
1722 admits that he/she has been a party in such action, the employer shall review
1723 the nature of the denial, suspension, revocation, disciplinary action, or fine
1724 before the prospective employee is hired.
- 1725 3. The facility shall conduct an employment history check for the previous two (2)
1726 five years or last three (3) jobs (whichever covers a longer period) as part of
1727 background screening for all child care personnel. This shall be documented on
1728 forms and contain such information as prescribed by the Department.
- 1729
- 1730 O. Requirements for renewal of license or applicable certificate
- 1731
- 1732 1. Each facility which applies for renewal of its license, or applicable certificate,
1733 shall submit to the Department a list of all employees at the facility, and
1734 indicate the dates of hire and the dates they satisfied background screening
1735 requirements.
- 1736
- 1737 Failure to supply missing information within thirty (30) days or to show
1738 reasonable efforts to obtain such information shall result in automatic
1739 disqualification. The Department shall review the records of child care personnel
1740 at the facility with respect to the crimes contained in Florida Statutes, § 435.04,
1741 as amended or replaced, and shall notify the facility of its findings. When
1742 disposition information is missing on a criminal record, it shall be the
1743 responsibility of the person being screened, upon request of the Department, to
1744 obtain and supply within thirty (30) days the missing disposition information to
1745 the Department.
- 1746
- 1747 2. The applicant shall sign an affidavit under penalty of perjury stating that all new
1748 child care personnel have been screened and cleared and that the facility's
1749 remaining child care personnel have worked at the facility on a continuing basis
1750 since being initially screened at the facility. A license or applicable certificate
1751 may be issued if all the facility personnel have been screened and cleared;
1752 however, a license or applicable certificate shall not be issued or renewed if any
1753 of the child care personnel at the facility have failed the screening required by
1754 these rules and continue to be employed or assist at the facility.
- 1755

ARTICLE VIII. SUPERVISION AND STAFFING REQUIREMENTS

A. Staffing Requirements

1. Operator/Director

- a. The operator/director of a child care facility must be at least twenty-one (21) years of age.
- b. Every child care facility director must have a Director Credential.
- c. The Director Credential shall be posted in a conspicuous location in the facility so that parents and other visitors to the facility can read the information on the certificate.
- d. The operator shall be responsible for the overall supervision of all staff, substitutes, employees, enrichment service providers, and volunteers in the child care facility or program.
- e. The credentialed director must be on-site a majority of hours that the facility is in operation, excluding evening and weekend hours. Documentation of majority of hours must be retained for at least one year, and be available for review by the Department.
- f. An individual may not be the director simultaneously of two or more child care facilities that have an overlap in the hours of operation.
- g. In the absence of the operator/director, there must be a person at least twenty-one (21) years of age in charge of the facility and on the premises at all times, and must be so designated in writing by the operator/director. This written designation shall be conspicuously posted, so that it can be read by visitors and staff at the facility.
- h. In the absence of the operator/director, the designated person in charge shall be responsible for the overall on-site supervision of staff, and shall be fully aware of matters pertaining to children's records, staff records, and routine facility operation. Such person shall also be capable of responding to queries from parents or representatives of the licensing agency. The person left in charge of the facility in the absence of the director shall be able to provide access to Department personnel for inspections or investigations, and shall be able to provide access to all relevant records, in keeping with Article XV(A) and Article XXI(C) or these rules and regulations.
- i. Child care facility owners must notify the Department prior to, or within 48 hours upon losing a credentialed director or when there is a change of director.
- j. The following exceptions shall apply:
 - 1. A credentialed director is not required for facilities offering child care only during the evening hours as defined in Article XVI of these rules.
 - 2. The Director Credential is not required for certificate of substantial compliance facilities.
 - 3. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or replaced, a credentialed director may supervise multiple before-school and after school sites for a single organization as follows:
 - i. Three sites regardless of the number of children enrolled; or
 - ii. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. .
 - 4. When a credentialed director is supervising multiple sites, the individual left in charge of a site in the absence of the credentialed director must meet the following requirements:
 - i. Be at least 21 years of age.

- 1809 ii. Have completed the approved 40-clock hour Introductory Child Care
1810 Training approved by DCF; and
1811 iii. Have completed DCF's Part II specialized training course, Special Needs
1812 Appropriate Practices, or a minimum of 8 hours of registry-approved in-
1813 service training in serving children with disabilities; and
1814 iv. Have completed DCF's School-Age Appropriate practices specialized training
1815 module; and
1816 v. Have a Staff Credential.
1817
1818 5. Where the public school district has included 4-year old children in public before-
1819 school and after-school programs, the school district may participate in the
1820 multi-site supervision operation. Public after-school programs are required to
1821 have a credentialed staff person pursuant to the credentialing requirements in
1822 Article VI(G)(1), in order to accommodate the 4-year old children. Such
1823 programs are not operated and staffed by the public school district.
1824
1825 2. Staff
1826
1827 a. Staff must be at least eighteen (18) years of age.
1828
1829 Exception: Person(s) who have completed the requirements for vocational
1830 career and technical education programs entitled. Early Childhood Education
1831 may be employed in child care facilities in Palm Beach County at seventeen
1832 (17) years of age. Operators must retain a copy of the student's proof of
1833 completion on file. These persons can be counted for the purposes of
1834 computing the personnel to child ratio as long as they are under the direct
1835 supervision of child care personnel eighteen (18) years or older.
1836 b. Effective January 1, 2012, each group of children in a child care facility must
1837 be staffed by at least one staff person who has a high school diploma, GED,
1838 or verified staff credential as defined in Article III of these rules.
1839 3. Substitutes -- A substitute is staff of a child care facility, and must be at least
1840 eighteen (18) years of age. A substitute may be seventeen years of age provided
1841 such person has completed the requirements for the career and technical education
1842 programs titled Early Childhood Education. Operators must retain a copy of the
1843 student's proof of completion on file for the Department's review.
1844
1845 4. Volunteers -- All volunteers must be at least twelve (12) years of age. A volunteer
1846 who assists on an intermittent basis for less than 10 hours per month is not included
1847 in the term "staff" or "personnel" for screening and training purposes if a person
1848 who meets the child care personnel screening and training requirements is always
1849 present and has the volunteer in his or her line of sight.
1850
1851 B. A. Staff to Child Ratios
1852
1853 1. The minimum staff-to-child ratios shown in the table below must be maintained at all
1854 times with additional staff and supervision requirements for field trips, transportation,
1855 and swimming activities as set forth in Articles XVII and XVIII of these rules, and staff
1856 ratios for facilities providing specialized care for mildly ill children as set forth in Article
1857 XIX (A) herein.
1858 2. A child enrichment service provider shall not be considered a volunteer or child care
1859 personnel, and shall not be counted in meeting group or staff to child ratios.
1860
1861 3. For every twenty (20) children, a child care facility must have at least one (1) child care
1862 personnel who meets the Staff Credential requirement. Based on this formula, child
1863 care facilities with twenty (20) – thirty-nine (39) children must have at least one (1)

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- credentialed staff member; facilities with forty (40) – fifty-nine (59) children must have at least two (2) credentialed staff members, and so on.
- a.

Child care facilities with 19 or fewer children that operate less than 8 hours per week are not subject to the staff credential requirement.
- b.

Volunteers who work at the facility a minimum of 20 hours per week and meet the credential requirement may be included in calculating the ratio requirement.
- c.

Children who are five years old, and who are enrolled in and attend a kindergarten program or grades one and above are excluded from the calculation of the credential ratio.

Minimum Staff-to-Child Ratios

AGE OF CHILDREN	STAFF RATIOS FOR CHILD CARE	STAFF RATIOS FOR DROP-IN CHILD CARE
Under 1 year of age	1 staff member for 4 infants	1 staff member for 2 infants
1 to 2 years of age	1 staff member for 6 infants	1 staff member for 4 infants
2 to 3 years of age	1 staff member for 11 children	1 staff member for 6 children
3 to 4 years of age	1 staff member for 15 children	1 staff member for 8 children
4 years of age	1 staff member for 20 children	1 staff member for 10 children
5 years of age or older	1 staff member for 25 children	1 staff member for 15 children
Staff Ratios in Specialized Child Care for the Mildly Ill -- Article XIX (A)		
Staff Ratios for Field Trips with Swimming Activities & Water Play – Article XVIII (A & B)		
School Age Child Care Programs in Public Schools: Pursuant to Article X (C) (3): Where the Department deems that safe access to the fenced play area can not be provided, including, but not limited to exposed crawlspaces, traversing driveways or trafficked areas, but excluding water hazards, such school age child care program shall maintain at a minimum, a staffing ratio at the level of 1 staff per 15 children in attendance.		

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- C. Supervision
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Children under care must be directly supervised by staff persons at all times. Direct supervision means watching and directing children's activities within the same room, within a designated outdoor play area, or while transporting children. Child care personnel must provide children with supervision and care in accordance with the children's age and required needs, and be accountable for the children at all times.
2.

Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children, and be present with the group of children at all times, including during meals, napping, sleeping, snack time and during periods of night-time care.

- 1890 3. During nap time, supervision requires that staff be in close proximity, within line of
1891 sight and hearing of all the children. Nap time supervision, as described in this
1892 section, does not include supervision of infants, who must be supervised closely and
1893 directly at all times. At all times lighting must be sufficient to visually observe and
1894 supervise children while in care.
- 1895 4. Caregivers shall remain awake while children are in care.
- 1896 5. No operator, owner, volunteer, enrichment service provider, or employee of a child
1897 care facility shall be under the influence of narcotics, alcohol, or other impairing
1898 drugs, while working with children in a child care facility or program.
- 1899 6. An owner, child care personnel, volunteer, or enrichment service provider shall not
1900 allow or engage in any activity or behavior that places or is likely to place children at
1901 risk of being injured, frightened, or exposed to other harmful or inappropriate
1902 experiences.
- 1903 7. Except where specifically authorized elsewhere in these rules, volunteers may not be
1904 counted for the purposes of meeting minimum supervision and staff ratio
1905 requirements.
- 1906 8. All volunteers must be supervised by staff and their location within the facility known
1907 at all times while such volunteers are assisting at the facility. In no event shall
1908 volunteers be permitted to be left with children without the presence and
1909 supervision of staff.
- 1910 9. Commingling
- 1911 a. -Infants under 12 months of age shall not be commingled with other children
1912 over 24 months of age:
- 1913 b. Infants 12 months of age or older may be commingled with older children
1914 who will be less than 36 months of age by September 1 of the current year.
1915 Thus, any child who will reach 36 months of age by September 1 of the
1916 current year cannot be commingled with infants.
- 1917 c. In a room with infants 12-24 months of age, mixed with older children, one
1918 staff member shall not be responsible for more than six (6) children.
- 1919 d. In a room with infants under 12 months of age, mixed with infants 12-24
1920 months of age, one (1) staff member shall not be responsible for more than
1921 four (4) children.
- 1922 10. Except where otherwise stated in these rules, the following staffing ratios shall apply:
1923 Where all the children are 24 months and older, the staff ratio shall be based on the
1924 age of the majority of children in the group. When there is a tie, the ratio shall be
1925 based on the requirements for the youngest child in the group.
- 1926 11. Children must not be left unattended while being diapered or when changing clothes.
1927 Children must be continuously supervised while using the toilet, lavatory, or bathing
1928 facility.
- 1929 12. During outdoor play, staff must situate themselves in the outdoor play area so that all
1930 children remain within a staff member's line of vision, and can be heard by staff. During
1931 rainfall or whenever lightning is visible on the horizon or thunder is audible, children
1932 must immediately be removed from the outdoor play area and returned to the building.
1933
- 1934 13. In the absence of regular staff members, substitutes may be used provided such
1935 substitutes have met all the requirements imposed by these rules on regular staff
1936 members.
1937

- 1938 14. -Children must be released only to custodial parents or persons sixteen (16) years of
1939 age or older authorized in writing and listed on the enrollment form by a custodial
1940 parent.
- 1941 15. When both non-handicapped and handicapped children are served, the operator shall
1942 make any necessary adjustments in the staff ratio to ensure adequate and proper care
1943 for the handicapped child(ren).
- 1944 16. Where drop-in child care is provided, the child shall be in care for no more than a 4-
1945 hour period, and the parent shall remain on the premises of the shopping mall or
1946 business establishment at all times while the child is in care at the facility.
1947
- 1948 17. Where drop-in child care is provided, and there are children in numbers and of an age
1949 that only one (1) staff member need be present to maintain the staff ratios, a second
1950 staff member shall be on hand at the facility at all times. This additional staff member
1951 shall assist in supervision in the event of an emergency.
- 1952 18. All children under the supervision of the facility at any time, whether or not on the
1953 premises, including children related to staff members and children away from the
1954 facility on field trips, shall be counted in determining compliance with these rules and
1955 regulations.
- 1956 19. No person shall be an operator, owner, or employee in a child care facility while using
1957 or under the influence of narcotics, alcohol, or other drugs that impair an individual's
1958 ability to provide supervision and safe child care.

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ARTICLE IX. DAILY PROGRAM AND DISCIPLINE

A. Daily program.

1. There must be a written daily program of scheduled activities that to provide meaningful age-appropriate experiences for the children. The scheduled activities should be designed and conducted to promote emotional, social, intellectual and physical growth; include quiet and active play, both indoors and outdoors; and include meals, snacks and nap times, if appropriate for the age and the times that the children are in care.
2. The activity program for both infants and other children must be conspicuously displayed in the child care facility Providers are encouraged to advise parents or guardians of their child's activities on a daily basis, and to allow the parents or guardians to participate in the program's activities.
3. The program for infants must include adequate opportunity for activities for at least two (2) hours per day outside of the crib or playpen. A clean, safe, and appropriate area must be provided for this activity. In addition, infants and other children in care shall be provided with opportunities for outdoor time each day that weather permits.

B. Parental access.

1. A child care facility must provide the custodial parent(s) or legal guardian access, in person or by telephone, to the child care facility, while a child of such parent(s) or legal guardian is in care.

C. Discipline.

1. All child care personnel at the facility, away from the facility on field trips, or transporting children before or after school shall comply with the facility's written disciplinary policies.
2. Children must not be subjected to discipline which is severe, humiliating or frightening.
3. Discipline must not be associated with food, rest or toileting.
4. Spanking or any other form of physical punishment ~~by all child care personnel~~ is prohibited.
5. Prior to admission of a child to a child care facility, the facility shall provide the facility's written discipline policy to the parents or guardians. The specific types of discipline used for each age group must be included in the written material provided to parents or guardians.
6. Verification that the child care facility has provided, in writing, the disciplinary policy used by the facility shall be documented on the enrollment form, and signed by the current custodial parent or legal guardian.
7. A copy of the facility's current written disciplinary practices must be available to the Department's representatives upon request.
8. Staff shall be required to review the facility's disciplinary policy and sign a written verification that such policy has been provided and review.

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ARTICLE X. PHYSICAL FACILITIES

- A. General.
1. No portion of the building or property shall be used for any purpose which endangers the health and safety of the children.
 2. The approved and or licensed areas of a child care facility shall be utilized exclusively for the children enrolled in the facility during the normal operating hours.
 3. All water hazards such as pools, swimming pools, wading pools, ditches, fishponds, etc., shall be adequately fenced in accordance with accepted safety practices. The minimum height of the fence shall be four (4) feet. If a gate is provided, it must be key locked. Prior to the installation of the fence, the facility must obtain an applicable permit from the local jurisdiction having authority. In addition, in no circumstance will a screen enclosure or similar device be accepted in lieu of a fence. In the event that this subsection conflicts with future amendments to the Florida Building Code, the provisions of the Florida Building Code shall apply.
 4. All surfaces or items, accessible to children in the child care facility shall be free of toxic substances and hazardous materials.
 5. The child care facility must be free of lead based paint hazards. Renovations to child care facilities built prior to 1978 must comply with 40 CFR Part 745: EPA Renovation, Repair and Painting Rule.
 6. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, or hazardous materials and other potentially poisonous or dangerous supplies shall be plainly labeled. Any product that bears a warning on the label KEEP OUT OF THE REACH OF CHILDREN, or words or symbols to that effect, shall be presumed to be potentially poisonous or dangerous. These items, in addition to knives, sharp tools, and other potentially dangerous implements and materials, shall either be stored in a locked area or be absolutely inaccessible to children in care.
 7. Products that produce irritating odors or toxic fumes shall not be used while children are present.
 8. Staff purses and personal items shall be inaccessible to children.
 9. Animals (excluding aquarium fish and hermit crabs) are prohibited on the premises. Special animal programs may be permitted upon prior approval of the Department pursuant to a written request.
 10. Rooms occupied by children must have a minimum of twenty (20) foot candles of natural or artificial lighting at three (3) feet from the floor to allow for adequate supervision and for safe means of entering and exiting each room. Substantial compliance facilities are exempt from the twenty (20) foot candles requirement during napping periods. At all times lighting must be sufficient to visually observe and supervise children, including during naptime. A minimum of fifty (50) foot candles of natural or artificial lighting is required at desktop level while the room is being used for instruction.
 11. Heating, ventilation, and air-conditioning (HVAC) equipment shall be installed and maintained in a safe condition and in accordance with applicable laws, ordinances and regulations.
 12. An inside temperature of 72° to 82° Fahrenheit must be maintained at all times during operation of the facility.
 13. A reliable thermometer shall be provided in each major area of the facility.

2067	<u>14.</u>	Non-vented or open flame heaters (including water heaters) and portable electrical
2068		heaters are prohibited.
2069	<u>15.</u>	This paragraph is deleted intentionally.
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2072	<u>16.</u>	Pursuant to Chapter 386, F.S., smoking is prohibited within the facility, all outdoor
2073		play areas, during field trips, and in vehicles when being used to transport children.
2074		pursuant to Chapter 386, Florida Statutes, as amended or replaced.
2075		Owners/operators shall notify custodial parents and legal guardians, in writing, that
2076		smoking is prohibited on the premises of the child care facility.
2077	<u>17.</u>	All child care facilities in Palm Beach County must comply with the same mandatory
2078		radon testing and reporting requirements as state-licensed child care facilities
2079		pursuant to section 404.056(4), F.S. and section 64E-5.1208(c), F.A.C., irrespective
2080		of Palm Beach County's designation within the Department of Community Affairs'
2081		Florida Radon Protection Map Categories.
2082	<u>18.</u>	Child care facilities shall not be physically connected to domestic residences.
2083		Facilities physically connected to domestic residences and previously approved for
2084		such operation may continue until the facility undergoes a change in operation or
2085		ownership. However, the non-conforming use may not be expanded.
2086	<u>19.</u>	Alcoholic beverages, narcotics or other impairing drugs are prohibited on the
2087		premises of the child care facility.
2088	<u>20.</u>	All new child care facilities shall meet not less than the requirements set forth by
2089		Section 406.1, 406.2 and 406.3, Type 5, Educational Occupancy (E) Standard
2090		Building Code, as amended by the Florida Building Code, currently adopted edition.
2091	<u>21.</u>	All child care facilities shall be located at ground level (street level), unless approved
2092		otherwise by the Building and Fire authorities having jurisdiction.
2093	<u>22.</u>	Pursuant to Florida Statutes § 402.305(5), school age programs operated in public
2094		school facilities, regardless of the operator, shall follow the standards set forth by
2095		the Florida Building Code State Requirements for Public Educational Facilities with
2096		the caveat that access to play areas be deemed safe by the Department, pursuant
2097		to Article X(C)(3) of these rules. In addition, where multiple school age child care
2098		programs are operated in a public school, the programs shall not be commingled.
2099	<u>23.</u>	School age child care facilities in public schools shall comply with applicable fire and
2100		life safety codes pursuant to Chapter 69A-58, Fire Safety Standards For Educational
2101		and Auxiliary Facilities, as amended or replaced.
2102	<u>24.</u>	All child care facilities (electrical installation, plumbing, etc.) must conform to all
2103		applicable municipal and county building, fire and zoning codes.
2104	<u>25.</u>	Child care facilities shall be located on well-drained sites and shall be easily
2105		accessible. They shall not be located where excessive noise, odors, dust, smoke,
2106		traffic or other unsafe or harmful environmental elements interfere with the
2107		children's comfort and safety.
2108	<u>26.</u>	The building and property shall be free from fire hazards, including lint or dust build-
2109		up in heating and air conditioning vents, filters, exhaust fans, ceiling fans, and dryer
2110		vents. Improper storage of flammable or combustible materials, and unnecessary
2111		materials or equipment shall be prohibited.
2112	<u>27.</u>	All openings to the outer air shall be effectively screened. When the windows or
2113		doors are open, buildings must have and maintain screens to prevent entrance of

2110		insect or rodent. Seals, gaskets, or casings around windows and doors must be free
2111		from gaps or openings that will allow the entry into the building of insects and
2112		rodents when the doors or windows are closed. Crawl spaces and soffit vents shall
2113		be screened to prevent the entry of rodents and other vermin.
2114	<u>28.</u>	Floors shall have washable, easily cleanable surfaces. Floors subject to flood
2115		washing shall be provided with floor drains.
2116	<u>29.</u>	Walls and ceilings of all rooms shall be kept clean and in good repair. Toilet room
2117		walls shall be of impervious material or shall be painted with enamel paint to splash
2118		level.
2119	<u>30.</u>	There shall be a sanitary storage space for cots and equipment if a separate
2120		sleeping room is not provided, and adequate individual storage space provided for
2121		each child's personal belongings. Sleepmats shall be stored at a minimum of six (6)
2122		inches off the floor, and in a clean and orderly manner.
2123	<u>31.</u>	Adequate on-site laundry facilities are to be provided as necessary: In facilities not
2124		providing specialized care for mildly ill children, on-site laundry facilities may be
2125		used provided that there is added one quarter cup of bleach per gallon of water to
2126		the final rinse cycle of the wash, in an effort to eliminate children's exposure to
2127		disease microorganisms. Arrangements with a commercial laundry are acceptable
2128		for such facilities. Facilities providing specialized care for mildly ill children shall not
2129		utilize an on-site laundry. In a facility that provides care for both well children and
2130		mildly ill children, linens and laundry activities for these programs shall be separate.
2131	<u>32.</u>	A well-lighted and ventilated dining area shall be provided. Tables, benches, and
2132		chairs shall be of a convenient size and well constructed.
2133	<u>33.</u>	All rooms shall be ventilated by windows or mechanical means sufficiently to
2134		prevent all objectionable odors and excessive condensation, and in such a manner
2135		as to avoid direct drafts on the children. All windows, which can be opened, and
2136		doors which may be left open, shall be provided with a mesh fly screen. Screens are
2137		not required for open air classrooms and picnic areas.
2138	<u>34.</u>	The premises, both inside and out, shall be maintained in a clean and sanitary
2139		condition, free of insects and rodents, and in good repair at all times.
2140	<u>35.</u>	Pest control shall not take place while rooms are occupied by children or during
2141		hours of operation of the child care facility.
2142	<u>36.</u>	Stairways with a series of steps of three (3) or more must have hand-rails on each
2143		side and be equipped with non-skid treads.
2144	<u>37.</u>	Electric fans shall be permanently installed, screened and out of the children's
2145		reach.
2146	<u>38.</u>	All electrical outlets shall be capped when not in use.
2147	<u>39.</u>	Fire extinguishers, as required by the Fire Authority having jurisdiction, shall be
2148		provided.
2149	<u>40.</u>	Fire drills shall be conducted periodically, but not less than every month. A fire plan
2150		shall be posted conspicuously in each occupiable room, hallway or area, and near
2151		each telephone.
2152	<u>41.</u>	Extension cords shall not be used as permanent wiring.
2153	<u>42.</u>	Power cords from appliances shall not be readily accessible to children.
2154	<u>43.</u>	The use of safety glazing materials in all glass doors, tubs, shower enclosures and
2155		other hazardous locations, shall comply with Florida Statutes, §§ 553 Part III, as

2156		amended or replaced and Chapter 24 "Glass" Florida Building Code, currently
2157		adopted edition.
2158	<u>44.</u>	There shall be an adequate supply of potable water, meeting the applicable quality
2159		standards of Chapters 62-550, 62-555, and 64E-8, Florida Administrative Code, as
2160		amended or replaced, and standards of Palm Beach County, as adopted under Palm
2161		Beach County Environmental Rule II.
2162	<u>45.</u>	All sewage shall be centrally collected and disposed of as required by Chapter 64E-
2163		6, Florida Administrative Code, as amended or replaced, and Palm Beach County
2164		Environmental Control Rule I as amended or replaced.
2165	<u>46.</u>	There shall be a mop sink or janitorial sink available in all child care facilities.
2166	<u>47.</u>	All child care facilities shall subscribe to a garbage collection service and comply with
2167		Chapter 62-701, Florida Administrative Code, as amended or replaced.
2168	<u>48.</u>	Each child care facility shall have at least one (1) approved drinking fountain for
2169		each thirty (30) children or provide a potable water supply with a dispenser and
2170		disposable cups.
2171		
2172	(a)	Bubbler type fountains or any arrangement whereby water falls back on the
2173		mouthpiece shall not be used.
2174		
2175	(b)	The water jet shall be adjusted so that water clears the mouthpiece but
2176		does not splash on floor or wall.
2177		
2178	(c)	The drain from the fountain shall not have a direct physical connection to a
2179		waste pipe unless the drain is trapped.
2180		
2181	(d)	All drinking fountains shall be cleaned at least daily with a germicidal or
2182		bacteriostatic cleaner containing no objectionable odor.
2183		
2184	(e)	The mouthpiece, basin and exterior shall be effectively cleaned and
2185		sanitized at least daily.
2186		
2187	(f)	The floor and wall adjacent to the fountain shall be kept dry and clean.
2188		
2189	(g)	Disposable cups shall not be reused.
2190		
2191	<u>49.</u>	Exits from the facility shall open onto safe, protected, fenced areas, or shall have
2192		active, audible alert mechanisms to alert staff as to when such doors are opened.
2193		This requirement is separate and apart from the fencing requirement in Article X (C)
2194		herein.
2195		
2196	<u>50.</u>	Control Point: For security purposes, the facility shall be configured to have a central
2197		control point to monitor persons entering or leaving the facility. Alternatively, the
2198		facility shall have a written plan for the control of persons entering and leaving the
2199		facility. Such plan shall be maintained on site at the facility, and shall be available to
2200		the Department for review upon request.
2201	<u>51.</u>	For each child in care, there shall be a minimum of thirty-five (35) square feet of
2202		usable indoor space as herein defined. Useable indoor floor space is calculated by
2203		measuring at floor level between interior walls and by deleting space for stairways,
2204		hallways, toilets and bath facilities, permanent fixtures and non-moveable furniture.
2205		Kitchens, offices, laundry rooms, storage areas and other areas not used by children
2206		in normal day-to-day operations are not included when calculating useable indoor
2207		floor space.

- 2208 a. Indoor recreation facilities must have, at a minimum, 3,000 square feet of
2209 usable indoor floor space designated for indoor play or fitness activities.
2210 Such designated indoor play space shall be in addition to the minimum
2211 thirty-five (35) square feet per child of useable space per child licensed
2212 capacity.
2213
- 2214 B. Outdoor play areas.
- 2215 1. There shall be a minimum of 75 square feet of outdoor play area per
2216 non-infant child, for at least one-half of the total number of non-infant
2217 children for which the center is licensed. However, a child care facility
2218 shall not have less than 1500 square feet of outdoor play area.
- 2219 2. There shall be a minimum of 45 square feet of outdoor play area per
2220 infant, for at least one-half of the total number of infants for which the
2221 facility is licensed.
- 2222 3. At no time should the number of children using the outdoor play area
2223 result in a reduction of the available space per child below the
2224 minimum space required, as set forth above. Split shifts may be used
2225 to ensure that space requirements are maintained during the use of
2226 outdoor play areas.
- 2227 4. Any proposed changes to the outdoor play area of an existing child
2228 care facility shall be reviewed and approved in writing by the local
2229 zoning, building, and fire departments having jurisdiction. Verification
2230 of this review and approval should be documented on a form
2231 prescribed by the Department.
2232
- 2233 5. All outdoor play areas must be enclosed by safe and adequate fencing, wall or a
2234 combination thereof, of no less than four (4) feet high. Fencing, including gates,
2235 shall be maintained and shall not have gaps that would allow children to exit the
2236 outdoor play area. The base of the fence must remain at ground level, free from
2237 erosion or build-up, to prevent children leaving the play area by easily climbing over
2238 the fence or crawling under the fence, and to prevent access by animals.
2239
- 2240 6. Outdoor play areas shall be located on facility property and shall be immediately
2241 adjacent to the building or accessible by a route free from safety hazards, including
2242 but not limited to water hazards electrical equipment, and busy roadways. For new
2243 or extensively remodeled facilities, or upon a change of ownership, access to play
2244 areas from the facility must be protected by a continuous wall or fence no less than
2245 four (4) feet high.
2246
- 2247 a. Classrooms serving infants shall have direct access to the outdoor infant play
2248 areas.
- 2249 b. School aged child care facilities shall provide safe access to play areas.
2250 Access shall be evaluated on a case-by-case basis by the Department and
2251 shall be deemed safe if the determination is appropriate. In school age child
2252 care programs located in public school sites, where the Department deems
2253 that safe access to the fenced play area cannot be provided, including, but
2254 not limited to exposed crawlspaces, traversing driveways or trafficked areas,
2255 but excluding water hazards, such school age child care program shall
2256 maintain additional staffing, pursuant to Article VIII(AB)(1) of these rules.
2257
- 2258 7. The outdoor play area shall be clean, free of litter, nails, glass and other hazards.
- 2259 8. Outdoor play area shall provide both sun and shade.
- 2260 9. Any swimming pool or wading pool used by a child care facility must be constructed
2261 and operated, at a minimum, in compliance with Chapter 64E-9, Florida
2262 Administrative Code, Public Swimming Pools and Bathing Places, or its successor
2263 provisions, and the Florida Building Code, Chapter 4, Special Occupancy: Section
2264 424, Swimming Pools and Bathing Places, as amended or replaced. Should there be

- a conflict, the Florida Building Code shall apply.
10. Drop-in child care facilities shall be exempt from the requirement for outdoor play space. However, where outdoor play space is provided, it shall meet the requirements for child care facilities as set forth herein.
11. Facilities that only provide nighttime care are exempted from the outdoor play space requirement. An open area designated within the existing indoor floor space must be available for play that promotes the development of gross motor skills. Such indoor play space shall be in addition to the 35 square feet per child indoor space requirement, and shall total no less than one thousand (1000) square feet. Where such facilities provide an outdoor play area such outdoor play area shall be consistent with Article X of these rules. Additionally, such outdoor play areas shall be equipped with adequate lighting.
12. An indoor recreational facility is exempt from the minimum outdoor-square-footage-per-child requirement specified herein, if the indoor recreational facility satisfies the requirements of Article X herein. Where the indoor recreation facility has less than 3,000 square feet of useable indoor floor space, an outdoor play area shall be provided. Such outdoor play area shall be consistent with Article X of these rules.
13. A facility offering before and after school programs only, and providing services to school age children in the 6th grade or above for a duration of four hours or less, need not meet the outdoor playground space requirements, provided that the location, layout, and arrangement of the facility meet all local building, zoning, and fire safety requirements for the intended use, and shall allow for effective emergency evacuation of the full capacity of the building as verified in writing by the Fire Safety authority having jurisdiction.

C. Napping/Sleeping Space, Bedding & Linens.

For the purpose of these rules, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

1. Each facility must include a designated area where a child can lie down to rest or nap. Facilities offering only one half-day programs and those programs involving only school-aged children are not required to provide an area where a child can lie down, but must provide an area where a child can sit quietly to rest or nap. The capacity of napping space must be a minimum of 35 square feet of usable space per child at any one time. Napping space and usable indoor floor space may be used interchangeably.
2. Individual bedding must be provided for each child for use when napping or sleeping and maintained in a safe and sanitary manner. Bedding shall be appropriate for the child's size. Towels are not to be used as mats. Bedding means a cot, bed, crib, or mat at least one (1) inch thick, with an impermeable, easily cleanable exterior surface. Playpens may only be used for napping. Facilities offering only half-day programs are not required to provide cots or mats.
3. Bedding shall be sanitized at least daily or more frequently as needed. Cots and mats shall be sanitized on a weekly basis, or more frequently as needed, where individual cots and mats are assigned to specific children for use. In this case, the facility shall maintain on site a current record of bedding assignments.
4. Linen, if used, shall be individually labeled, and laundered at least once each week and more often if necessary. Linen, if used for more than one (1) child shall be laundered between usage. Where clothing or items are provided for dress-up play, these items shall be laundered following each child's usage if necessary, and at least once weekly. Such items shall be easily cleanable or

- 2324 machine washable, in safe condition, and stored in an orderly sanitary
2325 manner.
- 2326 5. Linen must be provided when children are sleeping, and pillows and blankets
2327 must be available when appropriate.
- 2328 6. Linens, when not in use, must be stored in a sanitary manner which prevents
2329 the spread of germs or lice from other linens.
- 2330
- 2331 7. A minimum distance of eighteen (18) inches must be maintained around
2332 individual napping and sleeping spaces. Napping space shall not be under
2333 furniture or against furniture that may create a hazard. Exit areas must
2334 remain clear in accordance with fire safety regulations.
- 2335
- 2336 8. No double or multi-decked cribs, cots or beds shall be used. As of December
2337 29, 2012, the use of drop-side cribs is prohibited.
- 2338
- 2339 9. Infants up to one (1) year must rest or nap individually in their own crib. Bar
2340 spacing may not exceed two and three-eighths inches. Cribs must meet the
2341 construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of
2342 Federal Regulations, as amended or replaced.
- 2343 10. Pillows and sleep positioners in infants' cribs are prohibited. Blankets, if used,
2344 shall be arranged so that infants' upper bodies remain visible to staff at all
2345 times. Crib bumpers and crib bumper pads shall not be used.
- 2346 11. When napping or sleeping, young infants that are not capable of rolling over
2347 on their own should be positioned on their backs and on a firm surface to
2348 reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an
2349 alternate position is authorized in writing by a physician. This documentation
2350 shall be maintained in the child's record.
- 2351
- 2352 D. Toilet and bath facilities.
- 2353 1. When in operation, each child care facility shall be provided with conveniently
2354 located toilet and bath facilities for the exclusive use of the child care facility.
- 2355
- 2356 2. Newly constructed and extensively renovated facilities shall satisfy the bathroom
2357 ratios as specified in the Florida Building Code, currently adopted edition.
- 2358
- 2359 3. Lavatories may be located immediately adjacent to toilet rooms. Lavatories in
2360 kitchens and infant rooms are to be supplied with hot and cold running
2361 water.
- 2362
- 2363 4. Existing facilities previously approved to have a minimum of two (2) toilet
2364 rooms, each with a commode and lavatory sink supplied with running water,
2365 with an additional bathroom with toilet and lavatory for each additional thirty
2366 (30) children or fraction thereof, may continue as approved, subject to the
2367 building authority having jurisdiction.
- 2368
- 2369 5. Existing facilities going through change of ownership or capacity increase not
2370 involving extensive renovation, may continue as previously approved, subject
2371 to the Building and Fire departments having jurisdiction. Such facilities shall
2372 provide written verification of approval from these agencies to continue at
2373 the lower toilet/lavatory ratio on a form as prescribed by the Department.
- 2374
- 2375 6. All toilet seats shall be of the open front type.
- 2376
- 2377 7. Soap and towel dispensers shall be provided at all lavatories and liquid or
2378 powdered soap shall be used.
- 2379
- 2380 8. No toilet room may open into a room in which food is prepared.
- 2381

- 2382 9. Newly constructed facilities, extensively renovated facilities, or facilities
2383 providing a change in service, including change of ownership, must provide a
2384 sink supplied with hot (not to exceed 110 degrees Fahrenheit) and cold
2385 running water, soap and towel dispenser and a diaper changing table with an
2386 easily cleanable impervious surface for children who are over twenty-four
2387 (24) months of age and are not toilet trained.
2388
2389 a. The hand wash sink shall be immediately adjacent or in close proximity to
2390 the diaper change table, shall be at adult height (rim at 32 – 34 inches
2391 above the floor surface) not be accessible to for use by children, and shall
2392 be used exclusively for staff's hand washing following diaper changing
2393 activities.
2394 b. This diaper change area shall be located in the classroom, an adjoining
2395 toilet room, or area designated for two (2) year olds.
2396 c. A plastic lined waste receptacle with a close-fitting lid, which is not
2397 accessible to children, shall be provided for the disposal of soiled diapers.
2398 This shall be emptied and sanitized at least daily.
2399
2400 10. Where the indoor play space also serves as the dining area, and the children
2401 are closely supervised while using toilet and bath facilities, a toilet facility
2402 may open directly into areas where food is served.
2403
2404 11. Toilets, bath facilities, and wash basins shall be easily accessible, and at a
2405 height usable by the children. Platforms are acceptable when safely
2406 constructed, with an impervious surface that can be easily cleaned and
2407 disinfected.
2408
2409 12. Each basin and toilet must be maintained in good operating condition, and
2410 cleaned and disinfected at least daily or more frequently as needed.
2411
2412 13. At least one (1) portable or permanent bath facility shall be available for
2413 bathing children. The portable or permanent bath facility shall be cleaned
2414 and must be sanitized or disinfected after each use.
2415
2416 14. Running water, dispensers containing toilet paper, disposable towels, and
2417 liquid or powdered soap, and trash receptacles shall be available and within
2418 reach in all bathrooms, including those designated for staff use. Hand drying
2419 machines are prohibited for use in bathrooms designated for children.
2420
2421 15. Adult lavatories and toilet facilities must be provided and separated from
2422 those used by children in child care facilities at the time of construction,
2423 renovation or change of ownership. Adults shall not use lavatories and toilet
2424 facilities designated for children's use. Hand drying machines that are
2425 properly installed and maintained in good working order may be used instead
2426 of towels in bathrooms designated for staff use.
2427
2428 E. Isolation areas.
2429
2430 1. A suitable isolation room or area, adequately ventilated and heated, shall be
2431 provided for the temporary isolation of children with communicable diseases or who
2432 are displaying signs of illness and are waiting to be picked up by the parent or
2433 guardian. This room or area is to be located so that the sick child has easy and quick
2434 access to hand washing and toilet facilities.
2435
2436 2. The isolation area or room must be provided with a cot, mat, or bed made of
2437 materials that can be sanitized easily.
2438
2439 3. After each use linens must be changed and washed, and disposable items must be
2440 changed and discarded. Until cleaned or discarded, used linens and disposables
shall be kept in a closed container within the isolation area.
4. An isolated child must be within sight and hearing of a staff person at all times and
carefully observed for worsening conditions.

2441 5. In facilities where specialized child care for mildly ill children is provided, isolation
2442 rooms or areas shall comply with the additional requirements set forth in Article XIX
2443 (B) of these rules.
2444

2445 F. Fire safety and Emergency planning.
2446

- 2447 1. All child care facilities shall conform to state standards prepared by the state
2448 Fire Marshal: Chapter 69A-36, Florida Administrative Code, Uniform
2449 Standards for Life Safety and Fire Prevention in Child Care Facilities, as
2450 amended or replaced, and shall be inspected annually. A copy of the current
2451 and approved annual fire inspection report by a certified fire inspector must
2452 be on file with the Department.
2453
- 2454 2. There shall be at least one (1) operable landline or Voice over Internet Protocol
2455 (VoIP) telephone in the child care facility and, if indicated, additional telephones
2456 or extensions to summon help in case of fire or other emergencies. All
2457 telephones must be operable in the event of a power outage. Coin-operated
2458 and locked telephones shall be prohibited. Telephones shall be located so as to
2459 be easily accessible from all parts of the building, and shall be available to staff
2460 during the hours of operation. Telephone systems that work only when a
2461 computer is turned on and internet connection is established is not acceptable
2462 to meet this requirement.
2463
- 2464 3. All emergency telephone numbers, including fire, police, Regional and National
2465 Poison Control phone numbers, Florida Abuse Hotline, Department, and
2466 ambulance shall be posted conspicuously at each land-line telephone location.
2467

National Poison Control Center	1-800-222-1222
Emergency Number (Fire, Police & Medical)	911
Florida Abuse Hotline	1-800-96-ABUSE 1-800-962-2873
Palm Beach County Health Department	North & Central County Area: 561-837-5900 South County Area: 561-274-3187 Glades Area: 561-996-1633

- 2468
- 2469 3. Emergency Evacuation Plan:
2470 The facility shall prepare an Emergency Evacuation Plan including a diagram of
2471 safe routes by which staff and children may exit each area of the facility in the
2472 event of fire or other emergency requiring evacuation. The plan must be
2473 posted conspicuously in each room of the facility.
2474
- 2475 4. Emergency Preparedness Plan: Each facility shall develop a written Emergency
2476 Preparedness Plan to include, at a minimum, procedures to be taken by the
2477 child care facility during fire, lockdown, evacuation of the area, and inclement
2478 weather. The plan shall identify weather conditions requiring action and supply
2479 a response appropriate to the weather condition. Each plan shall specifically
2480 include immediate removal of all children from outdoor play areas during rainfall
2481 or whenever lightning is visible on the horizon or thunder is audible. Each plan
2482 shall include taking and recording attendance of children in the event of
2483 evacuation or relocation. Each plan shall include responses to violent weather
2484 during field trips and transportation of children. This plan shall be available on
2485 site for review by the Department.
2486
- 2487 5. Fire drills shall be conducted monthly.
2488

- 2489 a. Fire drill must be conducted on various days and at times when children are
2490 in care, including naptime.
2491 b. A current attendance record must accompany staff out of the building during
2492 a drill or evacuation, and be used to account for all children.
2493 c. At least one fire drill per year must be conducted using an alternate
2494 evacuation route.
2495 d. At least one fire drill per year must be conducted in the presence and at the
2496 request of the Department in coordination with the operator or designee.
2497 e. The operator shall maintain a written record of fire drills showing the date,
2498 time, number of children and staff in attendance, evacuation route used,
2499 time taken for all individuals to evacuate the premises, and any unusual
2500 findings or problems encountered. This record must be maintained for not
2501 less than one year from the date of the drill.
2502
2503 6. A fire plan shall be posted conspicuously in each occupiable room, hallway or
2504 area, and near each telephone
2505
2506 7. Emergency preparedness drills shall be conducted when children are in care.
2507 Each drill, excluding the fire drill, outlined in the Emergency Preparedness Plan
2508 must be practiced at least one time per year, documentation of which must be
2509 maintained at the facility for one year. A current attendance record must
2510 accompany staff during the drill or actual emergency, and must be used to
2511 account for all children.
2512
2513 8. The facility shall maintain and post in a conspicuous location a written record of
2514 emergency preparedness drills showing the type of drill, date and time
2515 conducted, number of children and staff in attendance, and time taken for all
2516 individuals to complete the drill.
2517
2518 9. Documentation of conducted fire and emergency preparedness drills must be
2519 available at the facility at the time of inspection. Documentation produced after
2520 the inspection shall not meet the licensing standard or corrective action
2521 requirements.
2522
2523 10. For drop-in child care, there shall be established and continuously maintained
2524 some form of direct communication, such as a pocket pager, beeper or public
2525 announcement system to enable the facility to immediately contact the parent
2526 of a child in care should the need arise. This communication system shall be
2527 operable even in the event of a power outage.
2528
2529 11. After a fire or natural disaster, the operator must notify the Department within
2530 twenty-four (24) hours, in order for the Department to ensure minimum health
2531 and safety standards are being met for continued operation. In the event that
2532 the Department is not accessible by routine access phone numbers, the
2533 operator shall contact A. G. Holley Hospital or the Palm Beach County
2534 Emergency Operations Center for further information.
2535
2536 12. In the event that a state of emergency is declared for Palm Beach County, the
2537 Department shall have the authority to enact appropriate interim policies and
2538 procedures to ensure the health, safety, and well-being of children in care.
2539 G. Additional Requirements for Infant care.
2540
2541 1. The care of infants shall be conducted in a separate room with hand washing
2542 facilities supplied with hot (not to exceed 110 degrees Fahrenheit) and cold
2543 running water (diaper changing sink), soap and paper towel dispensers and a
2544 diaper changing table with an easily cleanable impervious surface.
2545 2. The diaper change hand wash sink shall be immediately adjacent or in close
2546 proximity to the diaper change table and shall not be accessible to children.

- 2547 3. The infant room ~~is to~~ shall have, at a minimum, two (2) exits, one (1) opening
2548 directly to the outside. In the event of change of in ownership, any new
2549 construction, extensive renovation, relocation or addition of an infant room in
2550 which care is to be provided to infants older than 12 months, the facility shall
2551 provide a child size commode and lavatory which shall be in, across from or
2552 adjacent to the infant room. The commode and lavatory are to be solely for
2553 infant use.
- 2554 4. In facilities that provide only infant care, there need be only one (1) commode
2555 plus two (2) lavatories, supplied with hot and cold running water for each thirty
2556 (30) infants or fraction thereof. The number of bathrooms required is subject
2557 to the county or municipal building department having jurisdiction.
- 2558 5. Potty chairs, if used, shall be in addition to the toilet requirements, and shall be
2559 cleaned and sanitized or disinfected after each use.
- 2560 6. When infants or children in diapers are in care, a diaper changing table with an
2561 impermeable surface shall be provided. The diaper changing surface shall be
2562 replaced or cleaned with a sanitizing solution after each use. If a disposable,
2563 impervious covering is used, this covering shall be properly discarded after each
2564 use.
- 2565
- 2566 7. The diaper changing area shall be located separate from the food preparation,
2567 food service, and feeding areas. In addition, items unrelated to diaper changing
2568 shall not be stored in the diaper changing area, nor shall they be placed on the
2569 diaper changing table. The diaper changing sink shall not be used for washing,
2570 rinsing, or storing bottle or other food utensils.
- 2571
- 2572 8. There shall be an adequate supply of clean diapers, clothing and linens at all
2573 times. Wet or soiled clothing and linens shall be changed promptly.
- 2574
- 2575 9. Soiled disposable diapers shall be disposed of stored in a plastic lined secured
2576 covered container which is not accessible to children. The container shall be
2577 emptied and sanitized or disinfected at least daily.
- 2578
- 2579 10. Soiled, reusable diapers shall be emptied of feces in the toilet and placed in a
2580 secured covered container which is not accessible to children. The container
2581 shall be emptied and sanitized or disinfected at least daily.
- 2582
- 2583 11. In the event of a change in ownership, any new construction, renovation of an
2584 infant room, or change of use to an infant room, a service utensil sink shall be
2585 installed in the infant room. The service utensil sink shall be separate from the
2586 diaper changing sink, located outside the diaper changing area, and shall be
2587 provided with hot and cold running water. The service utensil sink shall not be
2588 used for handwashing or any other activities related to diaper changing, and
2589 shall not be accessible to children.

2590

2591 H. Equipment -- Indoor and outdoor, furnishings and supplies.

2592

2593 A child care facility shall have equipment, furnishings and toys which are safe and can
2594 be maintained in a sanitary condition. The furnishings and equipment shall be suitable
2595 to the size and age of the child. There shall be equipment and supplies available in
2596 order to provide activities to stimulate creative play and learning experiences, both
2597 indoor and outdoor.

2598

- 2599 1. All equipment must be installed safely and maintained in a safe and sanitary
2600 condition.
- 2601 2. Outdoor play equipment not designed to be moved by children must be firmly
2602 anchored so that they will not shift, lean, topple, or move from their foundation
2603 when pushed or pulled by adults, or used by children.

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3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience, and is maintained to reduce the incidence of injuries to children in the event of falls.
 4. Child care personnel shall check the surface temperature of outdoor play equipment to ensure that the equipment is safe before allowing children to use the equipment. The surfaces of metal or plastic equipment may absorb heat from sunlight to reach high surface temperatures causing burns to children using the equipment. Similarly, outdoor equipment surfaces may become so cold as to cause severe discomfort or frost-bite.
 5. Play equipment-maintenance shall include routine checks at least monthly, of all supports above and below ground, all connectors, and moving parts. The facility shall maintain documentation of such routine maintenance checks for a period of not less than one (1) year, and shall make such records available to the Department upon request.
 6. All equipment, furnishings, fences, and other objects on the facility's premises shall be free of sharp or jagged edges, and shall be properly placed to prevent overcrowding or safety hazards in any one area.
 7. All equipment used in the outdoor area shall be constructed and maintained to allow for water drainage.
 8. Use of water bearing tables by two (2) or more children is prohibited. Water play is allowed when individual containers are provided for each child, and containers are cleaned and sanitized between uses by each child.
 9. Sand or sawdust boxes used in outdoor play areas shall be constructed to allow for drainage and maintained in a safe and sanitary condition. Sand and sawdust boxes must be covered with durable and well-maintained covers when not in use.

ARTICLE XI. FOOD SERVICE REQUIREMENTS

- A. All licensed facilities shall meet requirements as specified in Chapter 64E-11, Florida Administrative Code, as amended or replaced, and other applicable state and local regulations, which relate to food preparation and food services, and must have an approved inspection report by the Department. This includes facilities involved in the Federal Food Program, and facilities, which bulk-dispense or otherwise prepare food for service. In addition, the following shall also apply:
1. All cooking equipment must be provided with a hood, fan, filters and fire extinguishing equipment in compliance with applicable building and fire codes.
 2. Catering service is acceptable as defined in Chapter 64E-11, Florida Administrative Code, as amended or replaced.
 3. Facilities constructed after September 22, 1996 must have a dispensing pantry consisting of a three-compartment sink, hand washing sink supplied with hot and cold running water, soap and towel dispenser and a refrigerator.
 4. Where there is food preparation and or bulk dispensing, there shall be at least one person on staff with primary responsibility for food preparation, and who has completed and has current, the Food Manager's Certification, with evidence of certification on file at the facility. Pursuant to Chapter 64E-11, Florida Administrative Code, as amended or replaced, such person or persons shall complete this certification within ninety (90) days from the date of appointment. Such person or persons shall be on site at the facility at all times during food preparation and food dispensing activities.
 5. Dishes shall have smooth, hard, glazed surfaces and shall be free from cracks or chips. Sharp-edged plastic utensils intended for use in the mouth, or dishes that have sharp or jagged edges shall not be used. Disposable tableware, such as plates, cups, and utensils, may be used provided that they are made of heavy weight paper or food grade plastic. Such disposable items shall be permitted for single use only and shall not be re-used. Styrofoam tableware shall not be used for children under four years of age.
 6. The temperature of foods catered to the facility shall be checked at the time of delivery, and recorded in a logbook. Foods delivered at non-safe temperatures shall not be served. The temperature of foods to be served shall be checked with a working food-grade, metal probe thermometer. Such logs shall be available to the Department's representatives. Hot foods shall be held at 140 degrees Fahrenheit or above, and cold foods shall be held at 41 degrees Fahrenheit or lower, pursuant to Florida Administrative Code, Chapter 64E-11, as amended or replaced.
- B. The following regulations are an exception to Chapter 64E-11, Florida Administrative Code, as amended or replaced, but are approved for child care facilities:
1. Approved for child care facilities is a three-compartment sink or a two-compartment sink and dishwasher with an effective automatic sanitizing cycle. Machine sanitation can be accomplished by the use of chemical solutions, hot water, or hot air. After bacterial treatment, utensils shall be air dried and properly stored. Other types of devices may be approved by the Department.
 2. All milk and fluid milk products for drinking purposes shall be pasteurized and shall be purchased and served from the original containers in which they were packaged at the milk plant.

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- 3. Children may be allowed in the food preparation area for educational purposes and if provided direct and constant supervision.

ARTICLE XII. NUTRITION

1. If a facility provides meals or snacks, it shall provide enough nutritious foods to meet the nutritional needs of the children served. The USDA *MyPlate* and *Dietary Guidelines for Americans, 2010*, which are incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children two years of age and older, may be found at: <http://www.choosemyplate.gov/>. Using the USDA MyPlate, breakfast shall consist of at least three (3) different food groups, lunch and dinner shall consist of at least four (4) different food groups, and snacks shall consist of at least two (2) different food groups. Recommended meal patterns to meet these standards are furnished by the Department as a guide for the operator. If a facility chooses to serve breakfast and lunch, milk must be served with at least one of the meals provided. If a facility chooses to serve dinner, milk must be served with this meal.
2. Nutrition Plan. There shall be a written agreement signed by the parent and operator and kept on file at the facility with a copy given to the parent. This agreement shall define the responsibilities of the parent and the operator for meeting the child's nutritional needs. If meals and/or snacks are furnished by the child's parents, this alternate nutrition plan shall be indicated in the written agreement.
3. Meal schedules may vary based on the duration of time the child is in care, but shall be at a minimum as follows:
 - i. Children in care for eight (8) and fewer hours shall be offered at least one (1) meal and two (2) snacks, or two (2) meals and one (1) snack;
 - ii. Children in care for more than eight (8) hours shall be offered at least two (2) meals and two (2) snacks, or three (3) snacks and one (1) meal;
 - iii. Children shall be offered food at intervals at least two (2) hours apart and not more than three (3) hours apart unless the child is asleep.
 - iv. All facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack in addition to the number of meals necessary to meet the child's nutritional needs as stated in Article XII (A) above. Such snacks shall be served regardless of whether they are eligible for reimbursement under the Federal Food Program.
 - v. Mid-morning snacks may be deleted if breakfast is served, provided that the routine mid-morning snack period is two (2) hours or less away from the time that breakfast is served. Young infants may require to be fed at shorter intervals than every two (2) hours to meet their nutritional needs, and shall be fed accordingly.
 - vi. For drop-in child care, where children are in care for three (3) or more hours, a nutritious snack shall be provided.
4. Arrangements shall be made between the operator and parent for a child's modified diet when prescribed by a physician. The physician's order and a copy of the diet shall be in the child's records.
5. If a custodial parent or legal guardian informs the child care facility that the child has any food allergies, written documentation must be maintained in the child's file for as long as the child remains in care. All staff members must be informed about any special food restrictions, and the information must be posted in a conspicuous location.

2752 6. Meals and snack menus shall be planned, written and posted at the beginning of
2753 each week. Menus shall be dated and conspicuously posted on a weekly basis in the
2754 food service area and accessible to parents. Any menu substitution shall be posted
2755 and entered on a log book used for this purpose.

2756
2757 7. Infants shall be individually fed or supervised at feeding and offered foods
2758 appropriate for their age. Formula and beverage shall be prepared, individually
2759 labeled and capped by the parent. Alternatively, formula and beverage for infants
2760 may be prepared, labeled and capped by the facility staff. Where the facility
2761 provides the formula and beverage, only pre-mixed, ready-to-feed formula and
2762 beverage may be utilized, and the facility shall meet the requirements as set forth in
2763 Article XI of these rules. The child care facility shall refrigerate and handle the
2764 formula and/or beverage in a sanitary manner. There shall be no propped bottle for
2765 infants and no mechanical devices used for feeding.

2766
2767 Cereal shall not be mixed with formula in infant bottles unless directed by a
2768 physician. The physicians order shall be kept in the child's file.
2769

2770 8. Microwave ovens shall not be used for directly warming bottles. Microwave ovens may
2771 be used to warm water in a separate container for placing the bottle in the heated
2772 water to obtain a safe and desired temperature, provided that the container of water is
2773 no more than one hundred and twenty (120) degrees Fahrenheit. Alternatively, bottles
2774 and infant foods may be warmed under running warm tap water.

2775
2776 If a slow-cooking device, such as a crock pot is used for warming infant formula, human
2777 milk, or infant food, this slow cooking device shall not be accessible to children, shall
2778 contain water that does not exceed one hundred and twenty (120) degrees Fahrenheit,
2779 and shall be emptied, sanitized, and refilled with fresh water at least daily. After
2780 warming, bottles and heated foods shall be mixed gently and the temperature of the
2781 contents tested before feeding to prevent injury to children. A caregiver shall not hold
2782 an infant while removing a bottle or infant food from the container of warm water or
2783 while preparing a bottle or stirring infant food that has been warmed. All
2784 cooking/warming devices shall be inaccessible to children.
2785

2786 9. Facilities shall provide sufficient seating at tables, such as chairs and benches, so that all
2787 children while eating can sit at tables for meal time and snack time.
2788

ARTICLE XIII. MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES

A. First aid.

1. At least one first aid kit must be maintained on the premises of the child care facility at all times. Child care staff must take a first aid kit with them on all field trips. A first aid kit must be in the vehicle at all times during transportation of children.
2. Each first aid kit shall be in a closed container, labeled "First Aid," and kept in a designated location where it is easily accessible for child care personnel.
3. Each first aid kit must, at a minimum, contain soap, band-aids or equivalent, sterile gauze squares and rolls, cotton balls or applicators, adhesive tape, thermometer, tweezers, blunt tipped scissors, pre-moistened wipes, a minimum of four (4) disposable medical examination gloves maintained in a puncture proof protector, and. a current resource guide on first-aid and CPR procedures.
4. Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where the child shall receive necessary attention until the child is ready to return to the group.

B. Emergency procedures.

1. Written permission for emergency health care or treatment of the child must be obtained from the parent, including the names, addresses and telephone numbers of the child's physician, the hospital-of-choice to be called in case of emergency and three (3) responsible adults the operator can contact in case the parents are not available.
2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child, and their specific instructions regarding action to be taken under such circumstances shall be obtained, followed, and documented in the child's file. If the custodial parent or legal guardian cannot be reached, the operator shall contact those persons designated by the custodial parent or legal guardian on the enrollment form.
3. Child care personnel must call 911 immediately in the event a child sustains any serious injury, illness, accident, or other emergency, such as the child being missing.
4. All accidents and incidents which occur at a facility or while a child is in the care of the facility staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian. The documentation must be maintained for one year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.
5. Any unusual incident involving the child which may be reasonably construed to constitute abuse and/or neglect shall be reported to the Abuse Hotline at 1-800-96 ABUSE immediately, and to the Department within twenty-four (24) hours of occurring. In addition, child care personnel who know, or have reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the Abuse Hotline, local law enforcement, and to the Department.
6. Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, Florida Statutes, constitute a violation of these rules and regulations, and shall support imposition of a sanction, as provided in Article XXI.

7. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of these rules and regulations.

C. Medication.

For child care facilities that administer medication to children in care, the following shall apply:

1. Only prescription medication is to be administered by the child care facility.
2. Prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label showing the name of the physician, child's name, name of the medication, dosage, and other medication directions. All prescription medication shall be dispensed according to written directions on the container label.
3. The facility must have written authorization from the custodial parent or legal guardian to dispense prescription medication. The written authorization must be dated and signed by the custodial parent or legal guardian, and must contain the child's name, the name of the medication to be dispensed; and the date, time, method of administration, and dosage to be given.
4. The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. This record shall be initialed by the child care personnel who administered the medication. The record shall be maintained for a minimum of four months after the last day the child received the dosage.
5. Medications shall have child resistant caps unless otherwise provided by the pharmacy or manufacturer.
6. Medications, shall be plainly labeled and stored in an orderly fashion in a key locked cupboard, box, or cabinet.
7. Medications for external use only shall be kept in a separate key locked box cabinet, or area which is inaccessible to children. They shall be stored in such a way to prevent possible contamination.
8. Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

D. Topical non-medicated physical barriers.

Physical barrier lotions, ointments and creams such as sunscreen, insect repellent, and diaper ointments are generally not medications. If the facility elects to allow use of these items, the facility must meet the following requirements:

1. Have a written policy governing their use. Parents must be made aware of such policy and have knowledge of its content. Such policy must include a requirement for written parental consent for application of a non-medicated physical barrier.
2. Obtain written authorization from the parent or legal guardian for applying the topical substance to a child.
3. Any written authorization and verification that the parent or guardian is aware of the policy must be documented in the child's file.

ARTICLE XIV. COMMUNICABLE DISEASE CONTROL

A. Communicable diseases in children.

Any child who is suspected of having a communicable disease or who exhibits other signs and symptoms which include any of the following, shall be placed in an isolation area, and the condition shall be reported to the parent or guardian or other person authorized by the parent, and the child shall be removed from the facility as soon as possible. Such children can return to the child care facility when the following signs and symptoms are no longer present:

1. Severe coughing, causing the child to become red or blue in the face or to make whooping sound;
2. Difficult or rapid breathing;
3. Stiff neck;
4. Diarrhea (more than one (1) abnormally loose stool within a twenty-four-hour period);
5. Temperature of one hundred (100) degrees Fahrenheit or higher taken by the axillary method, especially when in combination with any other sign or illness;
6. Conjunctivitis (pink eye);
7. Untreated infectious skin patch(es);
8. Unusually dark urine and/or gray or white stool and yellowish skin or eyes;
9. Vomiting;
10. Pediculosis (head lice, nits); or
11. Any other unusual sign or symptom of illness.

Alternatively, such children who would normally be excluded from child care, may be admitted to facilities which provide specialized child care for mildly ill children, provided that the criteria set forth in Article XV (F) of these rules are met. Exception: A child who has head lice shall not be permitted to return until treatment has occurred. Treatment shall include the removal of all lice, lice eggs, and egg cases (nits).

B. Communicable diseases in employees and volunteers.

Anyone who is a carrier of a communicable disease, or who develops signs and symptoms of a communicable disease which include, but are not limited to, any of the signs and symptoms described in Section A above shall be isolated from other individuals and not return until the signs and symptoms are no longer present.

C. Communicable disease outbreaks.

1. Notification: Operators shall immediately notify the Department of any suspected outbreak of notifiable disease or other disease condition as per Chapter 64D-3, Florida Administrative Code, as amended or replaced. A suspected outbreak occurs when two (2) or more children or employees have the onset of a similar sign or symptoms (such as diarrhea, rash, etc.) within a seventy-two (72) hour period or when one (1) or more cases of a serious communicable disease, which includes, but is not limited to, hepatitis, measles, meningitis, diphtheria, German measles (rubella), whooping cough, tuberculosis, chicken pox, mumps, Salmonella, Shigella, Campylobacter, or Giardia intestinal infection is diagnosed or suspected in a child or employee.
2. Communicable disease emergency: The presence of any notifiable communicable disease shall permit the Director of the Department to declare a

communicable disease emergency. The declaration of said emergency shall mandate that health and immunization records of all children in attendance and all employees be made available for inspection. The Director of the Department shall have the authority under Florida Statutes § 381.031, as amended or replaced, to require appropriate action to prevent the spread of such disease. This authority includes, but is not limited to, prohibiting attendance by a child or employee, restricting new admissions, or requiring immunization and is in keeping with recognized standards of medical and public health practice. In the event of non-compliance with the actions requested, the Director of the Department shall have the authority to quarantine the affected facility.

D. Appropriate Sanitizers

1. The Department recommends the use of chlorine bleach, appropriately diluted as an effective sanitizing agent. This solution shall be made by adding one (1) tablespoon of bleach to a quart of water, or one (1) quarter cup of bleach to a gallon of water. This solution shall be made fresh daily, with unused portions disposed of at the end of each day. This recommended bleach solution assumes use of bleach containing 5.25 percent sodium hypochlorite. Bleach with higher or lower concentrations of sodium hypochlorite will require different proportions of bleach and water to produce an effective sanitizing solution.
2. Other sanitizing or disinfecting agents may be used in accordance with the manufacturer's specifications, provided that such use renders the items ninety nine per cent (99.9%) germ free, and leaves no toxic residue. Where such alternative sanitizing agents are used, the facility shall obtain and keep on hand at the facility appropriate Material Safety Data Sheets (MSDS) for those products.
3. Sanitized items may be wiped dry with clean cloth or paper towel or allowed to air dry. Application of a sanitizer is not a substitute for routine cleaning. Effective sanitization requires prior cleaning or washing of surfaces to remove visible dirt.

E. Influenza Prevention

Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers DCF developed a brochure, CF/PI 175-70 , June 2009, Influenza Virus, Guide to Parents, which may be obtained from the DCF's website at www.myflorida.com/childcare

ARTICLE XV. ADMISSION, ASSESSMENT, AND RECORD KEEPING

A. Access to records.

At all times during operating hours a facility must allow the Department access to records required to be made or kept by these rules and regulations. This includes records for personnel, children and the facility. Copies of the required records are acceptable for documentation. Original documents are the property of the party providing the information.

B. Enrollment information.

Prior to providing care to a child, the operator shall obtain, update and keep current at the facility the following enrollment information from the child's parent or guardian, on CF-FSP 5219, Child Day Care Application for Enrollment form, effective March 2009, or an equivalent form.

1. The child's full legal name, birth date, current address and preferred name.
2. The name and address of the parents or guardians.
3. Telephone numbers or instructions as to how the parent may be reached during the hours the child is in the facility.
4. Names, addresses, and telephone numbers of persons sixteen (16) years of age or older authorized by the parent to take the child from the child care facility, and persons to be contacted who are authorized to remove the child from the facility in case of illness, accident or emergency if for some reason the parents cannot be reached.
5. The facility shall obtain written authorization from the parent or guardian to seek emergency medical treatment should the need arise. The name, address, and telephone number of a physician or health resource that can be called in case of emergency, and the parent's written permission to consult that physician or health resource if the parents cannot be reached.
6. If the child's condition requires it, a written plan must be on file at the child care facility. This plan will be developed with a cooperative effort between the child's parents, the operator and the supervising physician and/or other specialist. This plan shall specify the special needs and the special provisions, which will be made to meet the needs of the child in compliance with state and federal regulations.
7. The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the child care facility.
8. If the parent or legal guardian notifies the facility of any known allergies, written documentation shall be maintained in the child's file. In addition, such information shall be shared with the child's caregivers. Food allergies and special food restrictions must be posted in a conspicuous location.
9. Signed statements that the child care facility has provided the following information to parents:
 - (a) The "Know Your Child Day Care Center" child care facility brochure (CF/PI #175-24, English version or CF/PI #175-25, Spanish version) or the applicable local licensing agency's brochure. The statement included

3053 in the brochure or an equivalent statement on the child's enrollment
3054 form must be used for this purpose.
3055

3056 (b) The child care facility's written disciplinary practices.
3057

3058 (c) The procedures for verification of a child's whereabouts, should the child
3059 not show for after-school or school age programs. Such information may
3060 be included in the policy handbook or on the enrollment form.
3061

3062
3063
3064 C. Health examination and immunizations.
3065

3066 1. *Health examination certificate:*
3067

3068 a. Upon admission, each child must have on file at the facility a written
3069 certificate of health examination, DH Form 3040, Student Health
3070 Examinations. The general health examination certificate shall be completed
3071 by a person given authority by Florida Statutes to perform health
3072 examinations. The examination shall have been performed within six (6)
3073 months prior to enrollment, (unless the child has transferred from another
3074 child care or family care facility) which would be current for two (2) years
3075 after the initial enrollment physical examination.

3076 b. The certificate shall attest that the child is in good health or that any known
3077 medical condition or health problem is under treatment.
3078

3079 c. The certificate is valid for two (2) years from the date the physical was
3080 performed.
3081

3082 2. *Immunization certificate:*
3083

3084 a. Upon admission, each child must have on file at the facility a Florida
3085 Certificate of Immunization, DH Form 680, for the prevention of diphtheria,
3086 pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Hemophilus
3087 influenza type b (Hib), Hepatitis B, and varicella. The child care facility is
3088 responsible for obtaining and maintaining current and completed
3089 immunization information.
3090

3091 b. Immunizations appropriate to the child's age shall be up-to-date or in the
3092 process of being updated, as set forth in Article XV (C) (3) (b) (1) of these
3093 rules. The facility shall refuse admittance or temporarily exclude any child
3094 who is not in compliance with these provisions.
3095

3096 c. The manner and frequency of administration of the immunizations shall
3097 conform to recognized standards of medical practice of the State of Florida
3098 and are referenced on DH Form 680.
3099

3100 d. Immunization records will be documented on forms approved and provided
3101 to physicians by the Department of Health. Immunizations received out of
3102 state are acceptable. However, immunizations must be documented on DH
3103 Form 680 and signed by a practicing physician in the State of Florida.
3104 Immunization certification or medical exemption shall be entered on DH
3105 Form 680 parts A or B and/or C, and religious exemption shall be entered
3106 on DH Form 681.
3107

3108 e. Immunization records must be kept current.
3109

3110 f. A valid Certificate of Immunization, DH Form 680 part A, shall be properly
3111 dated and signed by a physician or their authorized agent. A child in

attendance with a medical exemption, must present or have on file the exemption, DH Form 680 part B or DH Form 680 part C. DH Form 680 part B may be signed by a physician or their designee. DH Form 680 part C must be properly dated and signed by a physician licensed under provisions of Florida Statutes, Chapters 458, 459, or 460, as amended or replaced.

- g. Notification to the affected parties of any changes to the DH Form 680 as a result of changes to the recognized standards of medical practice will be provided by the Department's immunization program and will become effective six (6) months following the notification to all child care facilities.
- h. Child care facility operators, on a quarterly basis, shall complete audits on the immunization status of all pre-school aged children enrolled at the child care facility. These audits shall be completed on forms provided by the Department. Completed forms shall be submitted to the Department no later than the 15th day of the first month of each quarter.

3. *Exemptions:*

- a. Health examination: For religious purposes only, any child shall be exempt from medical or physical examination upon written and signed request of the parent or guardian of such child; however, the laws, rules and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.
- b. Immunizations: A child whose parents or guardian has made application for admittance to the child care facility without being fully immunized according to recognized medical standards must present documentation of temporary medical, permanent medical, or religious exemption.
 - 1) Temporary Medical Exemption, DH Form 680 part B, is used for a child who is not fully immunized but is in the process of completing the required immunizations and cannot receive any additional vaccine at that time.
 - 2) Permanent Medical Exemption, DH Form 680 part C, is used for a child who is not fully immunized but for medical reasons cannot receive one (1) or more of the required vaccines.
 - 3) Religious Exemption, DH Form 681, issued by the Department must be provided when the parent of the child objects in writing that the administration of immunization agents conflicts with his religious tenets or practices.
- c. When a child care facility serves school-aged children, the school requirements for health examination and immunization shall apply and records of such need not be on file at the child care facility.
- d. Medical records, i.e., Student Health Examinations, DH Form 3040 and the Certificate of Immunization, DH Form 680, become the property of the parents when the child withdraws from the child care facility and are transferable if the child attends another facility providing child care.
- e. Drop-in child care facilities shall be exempt from the requirement for the physical examination and immunization certificate. In lieu of these, at the time of drop-off, the facility shall obtain from the parent of the child, a signed statement attesting that the child is in good health, not suffering from any communicable disease, and current in all required immunizations. The facility shall also obtain and maintain with this statement, a copy of the

parent's photo- identification bearing current address. The facility shall ascertain from the parent that the address provided is correct. This shall be kept on record at the facility for a minimum of six (6) months.

D. Personnel records.

Personnel records shall be maintained at the child care facility, and kept current for the owner/operator, each employee of the facility, volunteers and substitutes. These records shall include:

1. An application including name, address and telephone numbers.
2. Reports of the required health examinations and tests (TB risk assessment and/or skin test, or Chest X-ray; and physical examination).
3. Person to contact in an emergency.
4. Position and date of employment.
5. Statement that the employee has completed the training in the identification and reporting of child abuse and neglect and understands the statutory requirements for professionals' reporting of child abuse and neglect. A copy of the department's form EHE-DC-009: Child Abuse & Neglect Reporting Requirements shall be read and signed at least annually by each child care personnel, and maintained in the personnel record.
6. Appropriate documentation that the person has been screened as specified herein, and in accordance with Chapter 435, Florida Statutes, as may be amended or replaced.
7. Copies of credentials and training information recorded on designated training forms that are provided by the Department.
8. Copies of driver's license and driver physical examination documentation. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.
9. Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement.
10. Child care facilities must maintain written documentation of directors' and other credentialed personnel's work schedules. Examples of written documentation are employee timesheets, personnel work schedules, and employment records.

E. Other records.

1) Attendance logs.

- a) Daily sign in and sign out of children shall be recorded by the child care facility personnel or the person who drops off the child, documenting the time when each child enters the facility or program. The custodial parent, guardian, or the authorized person who picks up the child shall be required to sign the child out, documenting the time the child was picked up. Persons authorized to pick up the child should be 16 years of age or older in keeping with Article XV(B)(4) of these rules.
- b) An attendance log shall be maintained for each class or group. This log must contain the names of all children assigned to the class or group, and shall show all

3229 children present in the class or group, and those students absent from the class, at
 3230 any given time.

3231 c) To assure adherence to these rules, each child care facility, shall maintain and keep
 3232 at the facility for no less than one (1) year, a daily attendance log as well as a sign-
 3233 in/sign-out log.:

3234 d) Drop-in child care facilities shall also maintain a sign-in/sign-out daily
 3235 attendance log, including day, date, time of arrival and departure, and
 3236 signatures of the parent obtained at drop-off and pick-up.

3237 e) Child care personnel shall ensure that attendance records are complete and
 3238 accurate, since these records are important in accounting for children during
 3239 emergency evacuations and other incidents.

3240

3241 2) Record of unusual incidents.
 3242 A written record of unusual incidents affecting the program of the facility
 3243 including, but not limited to, accidental injuries to children, employees, and
 3244 volunteers must be kept on file at the facility. The written report of the incident
 3245 must be completed on the day the incident occurred, and shared with the parent
 3246 of any affected child on the same day. The record shall include the name of the
 3247 affected person, date and time of occurrence, description of event, actions taken
 3248 and by whom, as well as appropriate signatures of staff. A signature of an
 3249 affected child's parent or guardian shall be requested to verify that the parent or
 3250 guardian saw and received a copy of the incident report.
 3251

3252 3) Record of fire drills.
 3253 A written record must be kept at the child care facility each month for a fire drill
 3254 showing date, number of children in attendance and time taken to evacuate the
 3255 premises, on a Fire Drill Record Form as provided by the Department. To assure
 3256 accountability of all children in the child care facility, a current daily attendance
 3257 log must accompany staff during a fire drill and in the event of an emergency
 3258 resulting in the evacuation of the child care facility. The log is to be used to
 3259 account for all children during a drill or actual evacuation. This record must be
 3260 maintained for one (1) year. Drop-in child care facilities shall be exempt from this
 3261 requirement but shall be required to have on file at the facility an emergency
 3262 evacuation plan approved by the Fire Authority having jurisdiction, and shall
 3263 maintain documentation on file of related training provided to child care facility
 3264 staff.
 3265

3266 4) Menus & Food Temperature Logs:
 3267 Records of menus served shall be placed on file at the facility and kept for a
 3268 minimum of 6 months. Food Temperature logs shall be kept on file at the child
 3269 care facility for a minimum of 6 months.
 3270

3271 5) Daily Schedule:
 3272 A general daily time schedule for meals, snacks, nap, indoor and outdoor periods
 3273 shall be conspicuously posted at the child care facility. Drop-in child care facilities
 3274 shall be exempt from this requirement.
 3275

3276 6) Field trips:
 3277 Each facility shall keep at the facility for no less than one (1) year a copy of each
 3278 field trip manifest, parental permission slip, parental swimming consent, and such
 3279 other documents required to be retained pursuant to Article XVIII of these rules.
 3280

3281 7) After School & School Age Child Care Programs - Attendance & Absentee Policy:
 3282 Attendance should be taken for all children at the beginning of the program daily.
 3283 They must be signed out upon leaving. Programs shall establish and maintain a

- 3284 written procedure for accountability when a child fails to show for the program.
 3285
 3286 8) Material Safety Data Sheets (MSDS)
 3287 These shall be obtained and kept on file at the child care facility for each
 3288 sanitizing agents that may be used instead of bleach water solutions. MSDS shall
 3289 be kept on file for a period of twelve (12) months following the cessation of use
 3290 of the product, should the facility revert to using bleach water solutions.
 3291
 3292 9) Where the child care facility utilizes bedding assignments, such record shall be
 3293 available to the Department for review.
 3294
 3295 10) The most recent licensing inspection report shall be conspicuously posted in the
 3296 reception area of the facility.
 3297
 3298 **F) Admission and Assessment for Specialized Child Care for the Mildly Ill**
 3299 **Programs**
 3300
 3301 In addition to the admission and record keeping requirements set forth in Article XV
 3302 (A) through (E), the following shall apply to facilities providing specialized child care
 3303 for mildly ill children:
 3304
 3305 (1) General Requirements.
 3306 (a) A child care facility for mildly ill children shall have at a minimum an ongoing
 3307 agreement with a Health Provider Consultant, as defined in these rules, for
 3308 continuing medical or nursing consultation. The health provider consultant shall
 3309 perform the following services:
 3310
 3311 i. Oversee the development of written policies and procedures.
 3312 ii. Review, approve, and update annually, such policies and procedures.
 3313 iii. Provide at least quarterly on-site monitoring of the implementation of such
 3314 policies and procedures.
 3315 iv. Provide ongoing consultation to the child care facility in its overall
 3316 operation and management.
 3317
 3318 (b) A child care facility for mildly ill children shall have at a minimum one (1)
 3319 licensed health caregiver, as defined in these rules. The licensed health
 3320 caregiver shall be responsible for performing the written physical assessment,
 3321 and periodic child evaluations, as set forth herein; provide ongoing daily
 3322 oversight; make decisions as to the exclusion of any child; and be present at the
 3323 facility at all times during the hours of operation.
 3324
 3325 (2) Admission.
 3326 (a) No child shall be accepted to a child care facility for mildly ill children without
 3327 written parental permission. However, permission may be obtained by telephone if
 3328 a child in attendance at a regular child care facility becomes mildly ill and is
 3329 admitted to that same facility's program for mildly ill children. Where the child is in
 3330 care under telephone permission, written parental permission must be obtained
 3331 prior to the child's admittance to the program for mildly ill children the following
 3332 day.
 3333
 3334 (b) The program director or licensed health caregiver shall have the authority to
 3335 require a written medical evaluation for a child to include diagnosis, treatment and
 3336 prognosis, if such evaluation is necessary to determine the appropriateness of a
 3337 child's attendance prior to admission and upon worsening of the child's symptoms.
 3338
 3339
 3340 (c) Prior to admission, the child care facility providing for mildly ill children exclusively
 3341 shall require a written description, signed by the parent, of the child's current and

recent illnesses; immunization history, habits, special diets, allergies, medication needs; symptoms requiring notification of parent or health care provider, and where and how the parent or health care provider is to be notified.

- (d) An initial written physical assessment on each child shall be completed by the licensed health caregiver, as defined in these rules, based on the inclusion and exclusion criteria outlined herein to determine appropriateness of admission to the child care facility. A parent must remain on the premises until admission has been determined.
- (e) The written physical assessment shall at a minimum include vital signs and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.
- (f) Once admitted, children shall be periodically monitored by the licensed health caregiver and evaluated according to policies and procedures established and approved by the child care facility operator and the health provider consultant. Evaluations on each child's condition shall be documented, and shall include the following plus additional information that the facility operator and the health provider consultant may add if they deem it is necessary to evaluate the children:
 - 1. Temperature
 - 2. Respiration
 - 3. Pulse
 - 4. Amount of food or fluid intake
 - 5. Color, consistency and number of stools
 - 6. Color of urine and frequency of urination
 - 7. Skin color and alertness
 - 8. Activities such as amount of sleep, rest, and play
- (g) The condition evaluations must be maintained in each child's record and retained by the facility for a minimum of four (4) months. Copies shall be provided to parents daily.
- (h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child care facility for mildly ill children, only if there is an isolation area as defined herein, and provided the isolation area has a separate outside entrance from the rest of the child care facility.

(3) Inclusions.

A child care facility for mildly ill children may consider for admission, and accept children exhibiting illnesses or symptoms for which they can be excluded from child care provided for well children, but who do not meet exclusion criteria as outlined in these rules. Children exhibiting the following symptoms or illnesses, or disabilities, shall be deemed eligible to participate in child care facilities for mildly-ill children:

- (a) Not feeling well, unable to participate in regular child care activities, or has other activity restrictions;
- (b) Recovering from prior day surgical procedure or hospital admission;
- (c) Controlled fever of 102° F orally; 101° F axillary, or 103° F rectally, or below. If the child's temperature is higher than the temperatures listed above a physician must give written approval for admission; or verbal approval with written follow up for admission;

- 3399 (d) Respiratory infections such as cold or flu virus;
 3400
 3401 (e) Vomiting less than three (3) times without dehydration;
 3402
 3403 (f) Diarrhea {more than one (1) abnormally loose stool within a twenty four (24)
 3404 hour period} without signs of dehydration, and without blood or mucus in the
 3405 stool;
 3406
 3407 (g) Gastroenteritis without signs of severe dehydration;
 3408
 3409 (h) Diagnosed asthma;
 3410
 3411 (i) Urinary tract infections;
 3412
 3413 (j) Ear infections;
 3414
 3415 (k) Orthopedic injuries;
 3416
 3417 (l) Diagnosed rash;
 3418
 3419 (m) Tonsillitis; or
 3420
 3421 (n) Strep throat or conjunctivitis after twenty four (24) hours of appropriate
 3422 medication, if isolation is unavailable. Strep throat or conjunctivitis prior to
 3423 twenty four (24) hours of appropriate medication is included only if isolation
 3424 area is available.
 3425
- 3426 (4) Exclusions.
 3427 Any child exhibiting the following symptoms or combination of symptoms, shall be excluded
 3428 from child care facilities for mildly ill children:
 3429 (a) Unresponsive temperature of 104° F orally;
 3430
 3431 (b) Undiagnosed or unidentified rash;
 3432
 3433 (c) Respiratory distress;
 3434
 3435 (d) Major change in condition requiring further care;
 3436
 3437 (e) Contagious diseases, if no isolation room is available:
 3438
 3439 1. Strep throat or Conjunctivitis prior to twenty four (24) hours of
 3440 treatment,
 3441
 3442 2. Diarrhea due to diagnosed Shigella, Salmonella, Rota-virus, Giardia,
 3443 Campylobacter, or E. coli,
 3444
 3445 3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria,
 3446
 3447 4. Head lice, scabies prior to twenty four (24) hours of treatment, or
 3448
 3449 5. Other conditions as determined by the director or health provider
 3450 consultant.
 3451

ARTICLE XVI. CHILD CARE DURING NIGHTTIME HOURS

The minimum standards for child care facilities set forth herein shall continue to apply to child care facilities which offer care during nighttime hours (6 P.M. to 7 A.M.) with the additional application of the following standards as set forth in this section. For the purposes of this rule, night-time care is the equivalent of evening child care, as referenced in Florida Statutes 402.302(6).

- A. Prior to providing night-time care, a child care facility shall procure written approval of the Child Care Advisory Council subsequent to the recommendation of the Department.
- B. Children who have not been served an evening meal before arrival, must be served an evening meal that is consistent with these rules. Children who stay beyond 6 A.M. must be provided a morning meal consistent with these rules.
- C. Each child shall have a separate bed or cot with his own linens covering the bedding.
- D. It shall be an additional violation of these rules if children of the opposite sex, any one of which is over the age of six (6) years, are quartered in the same room without constant adult supervision.
- E. Sleeping quarters must have a minimum of twenty (20) square feet of floor space per child and a minimum of eighteen (18) inches around each cot or bed.
- F. If the children are sleeping overnight in the child care facility, child care staff must ensure accepted bedtime routines, such as brushing teeth, and face and hand washing. Toothbrushes, towels and wash cloths may not be shared, and shall be stored so that each child's personal hygiene items are not in contact with those of another child.
- G. Drop-in child care facilities shall be exempt from the requirements of this Article, with the exception that where children elect to nap or sleep, they shall be provided with separate beds, cots or cribs as set forth herein.
- H. Child Development Associate or credentialed staff are not required for night-time hours.
- I.

ARTICLE XVII. TRANSPORTATION

For the purposes of these rules, "vehicles" refer to those vehicles owned or operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity. Driver, as used in this section, includes all volunteers as well as personnel of the child care facility who drive vehicles transporting children to and or from the child care facility and on field trips.

A. General.

1. When private passenger automobiles, vans or station wagons are used for transportation of children by child care facilities, the driver must be at least eighteen (18) years of age, with a valid Florida driver's license, and have passed an annual physical examination.
2. Vehicles must have the name of the child care facility on each side panel in six (6) to eight (8)-inch letters. The back panel must have the wording "Caution Transporting Children" in a minimum of 4-inch letters.
3. Prior to offering child care transportation services of any type, directly or by contract, all new and existing child care facilities must provide written notice to the Department. The written notice to the Department must provide the following information:
 - a. The type of transportation that will be offered, for example, after school pick up, home pick up, or field trips, including points of pick-up and drop-off.
 - b. List and description of the vehicles that will be used for transportation of the children, to include make, model, year, color, and tag number.
 - c. Any contract, agreements, or arrangements with any third parties for the provision of transportation services.

A copy of the facility's policy, procedures, and staff training plans for maintaining compliance with the responsibilities for loading, unloading, and tracking each child during transportation must on file at the facility and be available for review by the Department.

4. When a vehicle is regularly used by a child care facility to provide transportation, the driver shall comply with the provisions of Florida Statutes, § 316.615(3), as amended or replaced, Physical Requirements of Drivers. Each driver must have an annual physical examination documented on a form provided by the Department. The physician's certification signed by a physician or other qualified health care provider must be posted in the vehicle.
5. All child care facilities must comply with the inspection and insurance requirements found in Florida Statutes, § 316.615(4), as amended or replaced. All facilities must file a certificate of insurance with the Board through the Department.
6. All child care facilities shall, on an annual basis, have all vehicles regularly used to transport children inspected by a National Institute for Automotive Service Excellence (ASE) certified mechanic to certify proper working order. Documentation by the mechanic shall be maintained in the vehicle on forms provided by the Department. The annual report/certification must contain the name and certification number of the ASE-certified mechanic who performed the inspection. Vehicles used to transport children must be maintained in proper working condition at all times. The interior temperature of the vehicle must be maintained at 72°F – 82°F during transportation of children.
7. All child care facilities must comply with the Florida safety belt laws in accordance with Florida Statutes, §§ 316.613 and 316.72 as amended or replaced. Each child, when transported, must be in an individual seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute. Unless exempt from seatbelt requirements by Florida Statutes all vehicles used to transport children shall be equipped with child safety restraint suitable for the age and size of the child being transported and the type of vehicle being used. Vehicles exempt

from seat belt requirements by Florida Statute can only be used to transport school-age children who do not require child restraint devices designed to be attached to the seat by the end-user.

8. An annual inspection of the child care facility's vehicles or vans used to transport children will be conducted by the Department to establish the maximum seating capacity. The maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity specifications or the number of working seat belts or child restraint devices. Vehicles used to transport children must be maintained in a clean and sanitary condition at all times. The interior of vehicles shall be free of hazards such as sharp edges, loose or broken seats, torn or exposed seat cushion, hazardous materials, build-up of solid waste, and storage of unnecessary articles.
9. Volunteers of a child care facility using their vehicles or any other vehicles to transport children must comply with the seat belt and child restraint requirements specified in subsection 7. of this section.
10. Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes, or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.
11. When transporting children, staff to child ratios must be maintained at all times. The driver may be included in the staff to child ratio, however, when infants are being transported, there must be at least one other staff member in the vehicle who can see and hear all the children. At no time shall the driver alone transport infants or children under 5 years of age. In addition, the facility must also take into consideration the children's individual and group behavioral characteristics, special medical conditions, travel distances, and other relevant factors in deciding whether additional adult(s) is necessary to ensure the safety of children during transportation.

B. Supervision of Children During Transportation

1. An adult must be in the vehicle whenever a child is in the vehicle.
2. An adult must be seated behind the steering wheel if the motor is running and children are being loaded and/or are on board.
3. An adult staff member, in addition to the driver, is required on the vehicle when transporting children under 5 years of age.
4. The second adult staff member shall be seated in the vehicle in the back seat or in a position which allows:
 - a. Each child to be seen with a quick glance;
 - b. Each child to be heard at all times;
 - c. Each child's activities to be observed; and
 - d. The staff member to respond immediately should there be an emergency.

C. Responsibility for Loading, Unloading, and Tracking Each Child

1. Transportation Log:

- a. A transportation log shall be used to track each child during transportation.
- b. The first and last name of each child received for transport shall be recorded on the log.
- c. Either the driver or second staff member shall be designated by management as the person responsible for completing the log.

2. Loading Procedures:

- a. As each child is loaded on the vehicle, the time the child was placed on the vehicle shall be recorded onto the transportation log by the person designated to complete the log.
- b. If the child was loaded from home, the parent or other authorized person will additionally sign the log indicating that the child was placed on the vehicle.

3. Unloading Procedures:

- a. The individual designated by the agency as responsible for the log shall update it immediately upon the child being released from the vehicle. The designated staff member shall update the log by:
 - i. Recording the time the child was released; and
 - ii. Initialing next to the time of release.
- b. When the child was released to a parent or other authorized person, that person must sign the log indicating that the child was released to them.

4. Confirming that Every Child is Off the Vehicle

- a. Driver Responsibilities: Immediately upon unloading the last child and to ensure that all children have been unloaded the driver shall:
 - i. Physically walk through the vehicle;
 - ii. Inspect all seat surfaces, under all seats, and in all compartments or recesses in the vehicle's interior;
 - iii. Sign the log, with the driver's full name, indicating the children are all unloaded; and
 - iv. Give the log to the second staff member.
- b. Second Staff Member Responsibilities: The second staff member shall:
 - i. Physically walk through the vehicle;
 - ii. Inspect all seat surfaces, under all seats, and in all compartments or recesses in the vehicle's interior;
 - iii. Sign the log with the staff person's full name indicating the children are all unloaded.

5. Loading Children at School

- a. When children are picked up at school they shall be loaded on the vehicle at the location designated by the school using all applicable procedures for logging of children's presence on the vehicle.
- b. The facility must develop written policies approved by the Department that:
 - i. Specify procedures for the driver to follow in the event that a child scheduled to be picked up does not report to the vehicle; and
 - ii. Ensure that children will have adult supervision should the driver or additional staff member need to try to locate a missing child.

6. Loading and Unloading Children for Field Trips

- a. Prior to and during field trips the relevant procedures outline in Article XVII (C) above must be followed.
- b. Tracking of each child and related documentation is required for each time children enter and leave the vehicle, whether at the destination, or at rest stops during the trip.

7. Unloading Children at the End of the Day: When children are unloaded at the end of the day and the vehicle does not return to the facility for the additional review that confirms every child is off the vehicle, the facility shall develop procedures to:

- a. Verify all children are off the vehicle; and
- b. Verify that each child was released to a responsible person authorized by the parent.

D. Vehicle Monitoring Device

On or after September 1, 2012, all vehicles used by or on behalf of the facility for the transportation of children and that are designed to transport six (6) or more passengers must be equipped with an alarm system which prompts the driver to inspect the vehicle for children before exiting such vehicle.

ARTICLE XVIII. FIELD TRIPS AND SWIMMING ACTIVITIES

A. Field trips

1. Parents must be advised of field trip activities. Before any child may attend a field trip, parental permission must be obtained either in the form of a general permission slip or specific permission slip obtained prior to a particular field trip. Permission slips must be included in the child's record. In addition, the date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to the field trip. If special circumstances arise where notification of an event cannot be posted for two (2) working days, then signed individual permission slips must be obtained from a parent of each child participating notwithstanding the existence of a general permission slip.
2. For all field trips, a manifest shall be kept at the facility with a copy brought with staff attending the field trip. Such manifest shall include the names of the children, staff persons, and volunteers attending the field trip; current telephone numbers where parent(s) may be reached in the event of an emergency; and for each child the name of the specific person assigned to supervise that child. The manifest and any field trip permission slips must be maintained by the facility and kept on file at the facility for no less than one (1) year from the date of the field trip.
3. In addition to the minimum staff to child ratio requirements of Article VIII and Article XVIII (B) of these rules, while engaged in a field trip each facility shall provide an extra staff person who shall be required to directly supervise children attending the field trip.
4. Each facility shall take along with it on any field trip a first aid kit and a cellular phone or similar two-way communication device that will allow staff persons to independently summon emergency assistance. Two-way radios, citizen band radios and other means of instant communication are accepted. The two-way communication device and the first aid kit shall be readily available to staff responsible for children during all field trips.
5. Potable water and toileting facilities shall be available on all field trips. If the field trip extends beyond 2 hours, there shall be a meal provided in accordance with Article XII of these rules.

B. Swimming activities.

1. Swimming activities and water play are prohibited at all fresh water bodies not permitted by the Department for such purposes. Water play, on land, is prohibited unless the water used is in facilities and from a source approved by the Department. During swimming activities, each child shall be directly supervised with physical or visual contact maintained at all times by a staff member or qualified volunteer assigned to watch such child.

Staff members and qualified volunteers shall be assigned to a specific child or group of children according to the minimum ratios set forth below. For the purposes of such assignment, groups shall be no larger than the number that one (1) qualified adult may watch.

AGE	MINIMUM ADULT TO CHILD RATIO
under 2 years (infants)	one (1) staff member to one (1) infant
2 years of age	one (1) staff member to two (2) children
3 years of age	one (1) staff member to four (4) children
4 years of age	one (1) staff member to eight (8) children
5 years of age and older	one (1) staff member to ten (10) children

In the event of a group with mixed ages, the ratio for the youngest child shall apply.

- Adult volunteers, as well as staff persons, may be used to meet the minimum supervision ratio requirements set forth above so long as all such persons are assigned to a specific child or group of children as required above. In no event shall the number of actual staff persons present be less than that required elsewhere in these rules, including the extra staff person required for field trips.
- No facility may take children to a swimming facility unless the operators of the swimming facility have agreed to keep a certified life guard on duty at all times the child care facility remains at the swimming facility. As an alternative, the child care facility may provide its own certified life guard provided such person is not also used to meet the minimum staff to child ratio requirements of this section. A person supplied by the facility must provide general supervision of all swimming activities during the facility's visit.
- No child may participate in swimming activities without the express written consent of a parent, as herein defined, specifically authorizing the facility to allow the child to participate at specified locations.
- Notwithstanding parental consent or written acknowledgment, nothing herein shall be construed to require a facility to allow a child to participate in swimming activities when the facility does not consider the child sufficiently able to swim.
- All written acknowledgments, permission slips, and consent forms required herein must be kept at the facility for at least one (1) year after such forms have been relied upon to meet these requirements. If the Department deems it prudent to do so, it may issue and prescribe the use of forms pertaining to the requirements of this section.

3758 **ARTICLE XIX.**
3759 **SPECIALIZED CHILD CARE FOR THE MILDLY ILL – ADDITIONAL**
3760 **REQUIREMENTS**
3761
3762

3763 In addition to the requirements set forth in Articles I through XVIII, and Articles XX and
3764 XXI herein, the following requirements shall apply to facilities providing specialized child
3765 care for mildly ill children.
3766

3767 **A. General Information.**
3768

3769 (1) Application.

3770 Application must be made on a form as prescribed by the Department for such purpose
3771 and shall be submitted to the Department pursuant to Article IV (A) herein.
3772

3773 (2) License.

3774 (a) A license to operate a child care facility for mildly ill children is issued in
3775 the name of the owner, partnership, association, or corporation.
3776

3777 (b) Facilities providing both regular child care for well children and child care
3778 for mildly ill children must procure and maintain two (2) separate licenses.
3779

3780 (c) Hospitals maintaining current Joint Commission for the Accreditation of
3781 Healthcare Organizations (JCAHO) accreditation, operating hospital based
3782 child care for mildly ill children, shall be exempt from licensure under this
3783 rule.
3784

3785 (3) Staff Ratios

3786 (a) The following staff to child ratios are based on primary responsibility for
3787 the supervision of children and applies at all times, when mildly ill children
3788 are in care:
3789

AGE OF CHILDREN	STAFF RATIOS FOR CHILD CARE
0 – 24 months of age	1 staff member for 3 infants
>24 months- 4 years	1 staff member for 4 children
>4 years of age	1 staff member for 6 children

3796 (b) Mixed Age Groups.

- 3797
- 3798 1. In groups of mixed age ranges, where one (1) or more
3799 children under one (1) year of age are in care, one (1) child
3800 care personnel shall be responsible for a maximum of three
3801 (3) children of any age group.
 - 3802 2. In groups of mixed age ranges, where one (1) or more
3803 children one (1) year of age and older are in care, the staff
3804 to child ratio shall be based on the age of the largest
3805 numbers of children within the group. When equal numbers
3806 of children in each group are in care, the most restrictive
3807 staff to child ratio shall apply.
3808
 - 3809 3. Infants shall not be commingled with non-infants.
3810

3811 (4) Schedule of Activities.

3812 (a) The facility shall include a daily schedule tailored to each child's symptoms, energy
3813 level, and parent's instructions.
3814

3815 (b) The daily schedule shall be flexible and provide age appropriate activities without
3816 over stressing the children.

B. Physical Environment.

(1) Sanitation and Safety.

- (a) A child care facility for mildly ill children, if located in a regular licensed child care facility, shall utilize rooms or areas which are physically separated by floor to ceiling walls, from all other components of the regular licensed child care facility.
- (b) The physical indoor and outdoor space, and equipment designated for use by the mildly ill children, shall not be used by children and child care staff from any other component of the regular licensed child care facility.
- (c) Child care facilities for mildly ill children, which serve children with contagious diseases as defined herein, shall have separate isolation areas, ventilation systems, and entrances.
- (d) Child care programs for mildly ill children shall make provisions to prevent the participating mildly ill children from coming in contact with all other areas and components of the child care facility where well children are in care.
- (e) No animals shall be allowed on the premises of programs caring for mildly ill children.
- (f) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the premises, unless prescribed for any of the children in care.

(2) Outdoor play space.

Child care facilities for mildly ill children are not required to provide outdoor play space. Should a facility choose to provide outdoor play space, it shall be physically separated from that space provided for well children. The play area and all equipment shall meet all safety requirements as specified in Article X(C) and Article X(I) of these rules.

(3) Napping and Sleeping Space

- (a) Linens, if provided by the facility, must be sanitized daily, and more often if soiled or dirty. Linens and blankets must be provided when children are napping or sleeping.
- (b) A minimum of 3 feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(6) Toilet and Bath Facilities.

- (a) Child care facilities for mildly ill children shall provide toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.
- (b) The facility shall provide a minimum of one (1) toilet and one (1) hand wash sink for every ten (10) children.
- (c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill children in care and their caregivers, and shall be accessible from within the room where care is being provided. If the specialized child care facility for mildly ill children is located within a child care facility, the toilet and bath facilities used by the mildly ill children and their caregivers shall

- 3874 be separate from those utilized by children and caregivers from other
3875 components of the child care facility. Staff bathrooms shall be located
3876 within the mildly ill care area and shall be designated and separate from
3877 those bathrooms used by children.
3878
- 3879 (d) Toilet and bath facilities shall provide privacy to all users.
3880
- 3881 (e) Children must receive direct supervision and care in accordance with
3882 required needs and be accounted for at all times, including but not limited
3883 to periods while bathing or using the toilet facilities.
3884
- 3885 (f) Running water, disposable towels, liquid soap and trash receptacles shall
3886 be available at each handwash sink, and be available to and within reach
3887 of children. Toilet paper shall also be available to and within reach of
3888 children using the toilet facility.
3889
- 3890 (g) Each basin and toilet must be sanitized after each use.
3891
- 3892 (h) Hand washing sinks shall not be used for food service preparation or food
3893 clean up.
3894
- 3895 (i) There shall be a handwash sink supplied with hot and cold running water
3896 in any room where the dispensing of medicines or portioning of nutritional
3897 supplements occurs. This sink shall not be used for handwash following
3898 diaper changing activities.
3899

3900 C. Personnel Requirements.

3901 (1) Minimum Age Requirements.

3902 No person under the age of eighteen (18) shall be allowed to provide care for mildly
3903 ill children.
3904

3905 (2) Minimum Training Requirements.

- 3906 (a) All child care personnel caring for mildly ill children shall have current
3907 certification in infant and child cardiopulmonary resuscitation and first aid prior
3908 to caring for the children at the facility.
3909
- 3910 (b) In addition to the forty (40) hour child care course, all child care personnel
3911 caring for mildly ill children shall complete eight (8) hours of annual in-service
3912 training relating to care of sick children and the prevention of communicable
3913 diseases. Operators or Directors shall complete at least two (2) hours of
3914 training relating to sick children as part of their eight (8) hours annual in-
3915 service training.
3916

3917 D. Health and Safety

3918 (1) General Requirements.

- 3919 (a) Following personal hygiene procedures for themselves or when assisting others,
3920 employees, volunteers, and children shall wash their hands with soap and
3921 running water, drying thoroughly with disposable towels. Only soap from a
3922 liquid soap dispenser shall be used for hand washing.
3923

- 3924 (b) A child care facility for mildly ill children shall ensure that safe drinking water
3925 and other fluids consistent with the child's physical condition are available at all
3926 times to all children in care. Drinking fountains shall not be used.
3927
3928 (c) Only single-service articles may be used for eating and drinking. Children may
3929 bring labeled items for their exclusive use, which must be returned to the
3930 parent or legal guardian on a daily basis.
3931

3932 (2) Diapering Requirements

- 3933 (a) A changing table with an easily cleanable impervious surface and hand washing
3934 facilities, which include a basin with hot (not to exceed 110 degrees Fahrenheit)
3935 and cold running water, disposable towels, towel dispenser, disposable gloves,
3936 liquid soap, and plastic-lined trash receptacle, shall be available in the infant
3937 room or in the room where children with special needs in diapers are in care.
3938 Such hand wash sink shall be immediately adjacent to the changing table,
3939 inaccessible to children, and shall be used exclusively for staff's hand washing
3940 following diaper changing activities.
3941
3942 Hands shall be washed and dried thoroughly after each diapering or toileting
3943 procedure to prevent the transmission of diseases or illnesses to other children
3944 in the facility's care
3945
3946 (b) Diaper changing shall be in a separate area from the feeding or food service
3947 area.
3948
3949 (c) When children require cloth diapers, only those brought from the child's home
3950 may be used, and must be returned to the parent at the end of the day.
3951
3952 (d) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a
3953 securely covered, plastic-lined container which is not accessible to children. The
3954 container shall be emptied and sanitized daily.
3955
3956 (e) Disposable gloves shall be used during all diaper changing activities. Gloves shall
3957 be discarded after use on each child, following disposal of disposable diapers or
3958 rinsing and sanitizing of cloth diapers. After gloves are discarded, personnel shall
3959 wash their hands and the hands of the child prior to sanitizing the diaper
3960 changing station.
3961

3962 (3) Equipment and Furnishings - Indoor Equipment

- 3963 (a) A child care facility for mildly ill children shall make available toys, equipment
3964 and furnishings suitable to each child's age and development and of a quantity
3965 for each child to be involved in activities.
3966
3967 (b) Toys, equipment and furnishings must be safe and maintained in a sanitary
3968 condition. All furnishings shall be made of impervious materials, smooth and
3969 easily cleanable.
3970
3971 (c) All washable toys, equipment and furniture used for one (1) group of children
3972 with similar diagnosis in a child care facility for mildly ill children shall be
3973 washed and disinfected before being used by another group of children.
3974
3975 (d) Non-washable toys brought from home may not be shared, and shall be sent
3976 home daily.
3977

- 3978 (e) All trash receptacles and waste paper bins within the facility shall be of the
3979 hands-free type.
3980
- 3981 (4) Fire Safety.
- 3982 (a) Unless statutorily exempted, all child care facilities for mildly ill children shall
3983 conform to state standards adopted by the State Fire Marshal, Chapter 69A-36,
3984 Florida Administrative Code, Uniform Standards for Life Safety and Fire
3985 Prevention in Child Care Facilities, as amended or replaced, and shall be
3986 inspected annually by the Fire Authority having jurisdiction. A copy of the
3987 current and approved annual fire inspection report by a certified fire inspector
3988 must be on file with the Department.
3989
- 3990 (b) Child care facilities for mildly ill children shall conduct monthly fire drills when
3991 children are in care, in accordance with the requirements contained in Article X
3992 (G)(5) of these rules. However, subject to local fire authority's approval,
3993 evacuation of the premises shall not be required. However, facilities shall ensure
3994 that the children are taken at least to the point of exit. A current attendance
3995 record must accompany staff during a drill or actual evacuation and be used to
3996 account for all children.
3997
- 3998 (5) Emergency Procedures.
- 3999 (a) At least one (1) first aid kit containing materials to administer first aid must be
4000 maintained on the premises of all child care facilities for mildly ill children, at all
4001 times. Each kit shall be in a closed container and labeled "First Aid". The kit(s)
4002 shall be accessible to the child care staff at all times and must include
4003 components and be maintained as specified in Article XIII (A) of these rules.
4004
- 4005 (b) Procedures and Notification
- 4006
- 4007 (i) Parents shall be notified immediately in the event of any significant
4008 change in a child's illness or symptoms, accident or injuries sustained at
4009 the facility, which are more serious than minor cuts and scratches, and
4010 their specific instructions regarding action to be taken under such
4011 circumstances shall be obtained and followed. If the parent cannot be
4012 reached, the facility operator will contact those persons designated by the
4013 parent to be contacted under these circumstances, and shall follow any
4014 written instructions provided by the parent on the enrollment or
4015 registration form.
4016
- 4017 (ii) Child care facilities for mildly ill children shall make arrangements with
4018 the parent for obtaining medical evaluation or treatment for a child, if
4019 necessary as determined by the licensed health caregiver and program
4020 policies.
4021
- 4022 (iii) Child care facilities for mildly ill children shall obtain emergency medical
4023 treatment without specific parental instruction when the parent cannot be
4024 reached, and the nature of the illness or symptoms or injury is such that
4025 there should be no delay in obtaining medical treatment, as determined
4026 by the licensed health caregiver or other qualified health professional.
4027
- 4028 (iv) Child care facilities for mildly ill children shall call the parent immediately
4029 when a child's illness or symptoms worsen to the degree that the child
4030 meets criteria for exclusion from the program, as previously outlined
4031 herein.

4032

4033 (6) Dispensing of Medication.

4034 Medication shall be returned to the parent or legal guardian at the end of each day.
4035 Medication shall be dispensed and stored in accordance with Article XIII(C)(1 & 2) of
4036 these rules.

4037

4038 E. Food and Nutrition

4039 (1) Nutrition

4040 (a) If a child care facility for mildly ill children chooses to supply food, it shall provide
4041 nutritious meals and snacks of a quantity and quality to meet the daily nutritional
4042 needs of the children.

4043

4044 (b) If a facility chooses not to provide meals and snacks, arrangements must be
4045 made with the custodial parent to provide nutritional food for the child.

4046

4047 (c) Child care facilities for mildly ill children shall ensure that menus for children can
4048 be modified to meet the individual needs of each child in care. If a special diet is
4049 required for a child by a physician, a copy of the physician's order, a copy of the
4050 diet, and a sample meal plan for the special diet shall be maintained in the child's
4051 facility file.

4052

4053 (2) Food Preparation Area.

4054 (a) All licensed child care facilities for mildly ill children, approved by the Department
4055 to prepare food, shall meet the applicable requirements as specified in Rule 64E-
4056 11, Florida administrative Code, Food Hygiene, as amended or replaced.

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4058 (b) A kitchen area may be shared with other components of the facility. However,
4059 staff providing child care for the mildly ill children shall not be involved in food
4060 preparation.

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4062 (3) Food Service.

4063 (a) Children shall be individually fed or supervised at feeding and offered foods
4064 appropriate for their ages and physical condition.

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4066 (b) All meals and snacks provided for children participating in child care facilities for
4067 mildly ill children must be served on single-service articles.

4068

4069 (c) Where the facility shares kitchen amenities with the well-childcare program
4070 onsite, and food is satellited to the mildly ill childcare section, such food shall be
4071 individually plated on disposable ware, and shall not be returned to the well child
4072 care area.

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4074 (d) There shall be a handwash sink with hot and cold running water for staff use in
4075 each area where liquid nourishment and or medications are dispensed.

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4077 F. Record Keeping

4078 (1) Children's Records.

4079 (a) Each child's record shall contain a signed statement from the parent, attesting to
4080 the child's immunization status, either current or religiously exempt from

- immunization, as required by Rule 64D-3, Florida Administrative Code, as may be amended or replaced.
- (b) Enrollment/Registration Information: The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on a current CF-FSP Form 5241, Application for Enrollment in Specialized Child Care Facilities for Mildly Ill Children, which is incorporated by reference, or an equivalent form that contains all the following information required by the Department's form:
- (i) Child's name, age, date of birth, sex
 - (ii) Parent or legal guardian's name
 - (iii) Employer name
 - (iv) Home, work, cell and pager telephone numbers
 - (v) Person and telephone number to call in case parent cannot be reached
 - (vi) Child's physician and telephone number
 - (vii) Allergies and type of reaction and specific interventions in case of allergic reaction
 - (viii) Present and past prescriptions and childhood diseases
 - (ix) Current Diet
 - (x) Special areas of concern and special needs of assistance
 - (xi) Diapering requirements
- (c) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing by the parent.
- (d) Children's files shall contain signed statements that the child care facility for mildly ill children has provided all of the following information to parents:
- (i) Admission policy
 - (ii) The program's infection control procedures
 - (iii) Methods for the daily care of children, including the child's progress
 - (iv) Procedures for the care and referral for a medical evaluation for children who exhibit worsening symptoms, including a listing of those symptoms
 - (v) Policy and procedure for staff communication with parents and health care providers
 - (vi) Discipline policy
- (3) Medication Records.
- (a) A written record documenting the child's name, the name of the medication, date, time, dosage to be given, and signature of the custodial parent or legal guardian, shall be maintained at the facility. This record shall be initialed or signed by facility personnel at the time the medication is dispensed.
- (b) This record shall be maintained for a minimum of twelve (12) months after the last day the child received the medication.
- (4) Other Records
- Facility shall maintain for the Department's review the following:
- (a) Written records of policies and procedures, current for the calendar year, or most recent version, and
 - (b) A detailed log of quarterly monitoring visits shall be maintained, dated and signed by the Health Provider Consultant. This log shall be maintained for a period of no less than two (2) years.

ARTICLE XX
CLASSIFICATION OF VIOLATIONS

The Department will use the following classifications as a guideline for determining the severity of violations of these rules:

- A. Class I Violations: Are the most serious in nature and could result or do result in death or serious harm to the health, safety and well-being of a child and include overt abuse and negligence related to the operation and maintenance of a facility.
- B. Class II Violations: Are serious in nature but do not pose an immediate threat to the health, safety and well-being of a child but could reasonably be expected to cause harm within ninety (90) days (for example, a leaking roof that could collapse) and include those conditions or occurrences related to the operation and maintenance of a facility, other than Class I violations.
- C. Class III Violations: Are the least serious in nature and pose no threat to the health, safety and well-being of a child and include those conditions or occurrences related to the operation and maintenance of the facility other than Class I or Class II violations. A violation is noncompliance with any provision of §§. 402.301 - 402.319, Florida Statutes, or applicable rules.
- D. Other: Violations not included above or classified as a Class I, II, or III violation but for which fines may be issued depending on severity or recurrence.
- E. In addition to the provisions previously set forth herein, it is a violation of these rules to:
 - (1) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment, licensure or certification regulated herein, all information required or a material fact used in making a determination as to such person's qualifications to be child care personnel, in a child care facility, or other child care program.
 - (2) Operate or attempt to operate a child care facility under a license or certificate that is suspended, revoked, or terminated.
 - (3) Misrepresent, by act or omission, a child care facility to be duly licensed or certified pursuant to this rule without being so licensed or certified.
 - (4) Make any other misrepresentation, by act or omission, regarding the licensure or certification, or operation of a child care facility to a parent or guardian who has a child placed in the facility or is inquiring as to placing a child in the facility, or to a representative of the licensing authority, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to:
 - (a) The number of children at the child care facility;
 - (b) The part of the child care facility designated for child care;
 - (c) The qualifications or credentials of child care personnel;
 - (d) Whether a child care facility complies with the screening requirements of 402.305, Florida Statutes, as amended or replaced; or
 - (e) Whether child care personnel have the training as required by 402.305, Florida Statutes, as amended or replaced.

ARTICLE XXI. ENFORCEMENT

- A. In addition to the revocation procedures set forth above, any violation of Chapter 59-1698 Laws of Florida, as amended, these rules and regulations, or Florida Statutes, §§ 402.301--402.319, as amended or replaced, or the rules and regulations promulgated thereunder, is subject to enforcement by the Department through the Palm Beach County Environmental Control Officer pursuant to Chapter 77-616, Laws of Florida, as amended. Pursuant to Chapter 77-616, Laws of Florida, the Environmental Control Hearing Board is authorized to issue fines of up to \$500 per violation per day of violation. The Department will use a progressive enforcement matrix (incorporated by reference) to make recommendations to the Environmental Control Hearing Board for such fines. Violations of these rules may result in the issuance of an order requiring the owner/operator of the facility to appear before the Environmental Control Hearing Board and show cause why a civil penalty should not be imposed or corrective action ordered. Thereafter, the Environmental Control Hearing Board will convene, hear the matter, and, if a violation is found to have occurred, issue an order that may require corrective action and payment of a fine. Failure to pay any such fine may result in the filing of a lien against any and all property of the facility owner. The provisions of this paragraph describe an additional and supplemental means of enforcement. Nothing contained in this paragraph shall prohibit the County from enforcing these rules and regulations by any other means, including, but not limited to the institution of time-limited corrective action plans for the child care facility and/or referral to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced.
- B. Each day of violation shall be considered a separate and distinct violation.
- C. Right of Entry:
Members of the Child Care Facilities Board and its representatives may enter and inspect child care facilities, child boarding homes, large family child care 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 provision of Chapter 59-1698, Special Acts, Laws of Florida, as amended, or of any rule and regulation issued hereunder. The right of entry and inspection shall also extend to any premises which the Department has reason to believe are being operated or maintained as a child care facility without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same. Any application for a license or certificate or renewal made pursuant to these rules, or any advertisement to the public of child care as defined herein shall constitute permission for entry or inspection of any premises for which such license or certificate is sought in order to facilitate verification of the information submitted on or in connection with the application. In the event that a licensed or certified facility refuses permission for entry or inspection to the Department, a warrant shall be obtained from the circuit court authorizing same prior to such entry or inspection. Disciplinary action may also be instituted pursuant to Article XXI (A) herein.
- D. In addition to conspicuously posting the license, certificate of substantial compliance, or certificate of compliance, the child care facility shall post with the license or certificate:
- 1) Each citation for a violation of any standard or requirement of these rules and regulations that has resulted in disciplinary action mandated by the Environmental Control Hearing Board.

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- 2) An explanation, written in simple language, of the corrective action, if any, taken by the facility for each citation. Included in the description shall be the dates on which the corrective action was taken.
 - 3) Each citation, explanation, and description of corrective action shall remain posted for one (1) year after the Environmental Control Hearing Board's effective date.
- E. Should the Department determine that any child care personnel makes any misrepresentation in violation of Article XX (E) above to a parent who has placed a child in the child care facility, and the parent or guardian relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or negligence by the child care personnel, then such matter may be referred to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced.