

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE CHILD CARE FACILITIES BOARD
AGENDA ITEM SUMMARY**

=====

Meeting Date:	August 16, 2011	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Regular
		<input type="checkbox"/>	Workshop	<input type="checkbox"/>	Public Hearing

Department: County Attorney

Submitted By: County Attorney

Submitted For: County Attorney

=====

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 13, 2011 at 9:30 am: A Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, adopting the Palm Beach County Rules and Regulations Governing Family Day Care Facilities; Amending Article VIII Of The Rules And Regulations Governing Family Day Care In Palm Beach County; Providing For Repeal of Laws In Conflict; Providing For Inclusion in the Code of Laws and Ordinances; Providing For Severability; and Providing For An Effective Date.

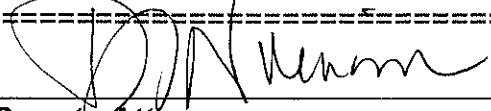
Summary: The Board of County Commissioners, pursuant to a Special Act of the State of Florida, serves as the Child Care Facilities Board. This amendment requires all loaded firearms stored or left on a premise where a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person in charge of the minor be kept in a securely locked box or container.

This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule, or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature are in violation of state law and must be amended. (AH; Countywide)

Background and Policy Issues: Chapter 2011-109 Laws of Florida, which amends Florida Statute, section 790.33, provides a preemption by the legislature that it is occupying the whole field of regulation of firearms and ammunition including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state governments. Any such existing ordinances, rules or regulations are declared null and void. Additionally, Chapter 2011-109 Laws of Florida created penalties if any person, county, municipality, district or other entity violates the Legislature's occupation of the whole field of regulation of firearms and ammunition. Such penalties extend to elected or appointed local government officials under whose jurisdiction the violation occurred, and includes a civil fine up to \$5,000 against the elected or appointed local government official and could be cause for removal from office by the Governor. The above amendment is necessary to bring the rules and regulations governing family day care in Palm Beach County into statutory compliance.

- D. Attachments:**
- 1. Resolution
 - 2. Rules and Regulations Governing Family Day Care Facilities

=====

Recommended by:		8-11-11
	County Attorney	Date

Approved By: N/A **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-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	<i>* see below</i> ~0~	-0-	-0-	-0-	-0-

ADDITIONAL FTE

POSITIONS (Cumulative) _____

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

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

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

** No fiscal impact.*

VA 8/3/11
 OFMB *8/2/11*

Jim J. Jacobson
 Contract Dev. and Control *8/3/11*

B. Legal Sufficiency:

Anne Delgent *8/4/11*
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2011-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE CHILD CARE FACILITIES BOARD, AMENDING ARTICLE VIII OF THE RULES AND REGULATIONS GOVERNING FAMILY DAY CARE IN PALM BEACH COUNTY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 59-1698, Special Acts, Laws of Florida, as amended by Chapter 77-620, Special Acts, Laws of Florida, provides that the Palm Beach County Board of County Commissioners sitting as the Child Care Facilities Board shall make, promulgate, amend, and repeal such rules and regulations as are necessary to protect the health and safety of persons in child care facilities; and

WHEREAS, it is necessary to amend the existing Rules and Regulations Governing Family Day Care Facilities to comply with Chapter 2011-109 Laws of Florida.

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

Section 1. Amendment of the Palm Beach County Rules and Regulations
Governing Family Day Care Facilities

The Palm Beach County Rules and Regulations Governing Family Day Care Facilities is hereby amended by the Board of County Commissioners sitting as the Child Care Facilities Board as set forth in the Appendix "D", attached hereto and made a part hereof.

Section 2. Repeal of Laws in Conflict

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Section 3. Inclusion in the Code of Laws and Ordinances

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

Section 4. Severability

If any section, subsection, sentence, clause, or provision of these Rules and Regulations is held unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remainder of these Rules and Regulations.

Section 5. Effective Date

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

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

- COMMISSIONER KAREN T. MARCUS, CHAIR
- COMMISSIONER SHELLEY VANA, VICE CHAIR
- COMMISSIONER PAULETTE BURDICK
- COMMISSIONER STEVEN L. ABRAMS
- COMMISSIONER BURT AARONSON
- COMMISSIONER JESS R. SANTAMARIA
- COMMISSIONER PRISCILLA A. TAYLOR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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

Sharon R. Bock, Clerk & Comptroller

By: Anne T. Delgent

By: _____
Deputy Clerk

APPENDIX D.

CHAPTER 2

PALM BEACH COUNTY RULES & REGULATIONS GOVERNING FAMILY DAY CARE

ARTICLE VIII- PHYSICAL FACILITY

A. General

20. ~~Firearms shall be kept unloaded in a locked closet or cabinet and out of the reach of children, and shall be in compliance with F.S. §790.174, as amended or replaced. Ammunition shall be stored separately from firearms and under key lock. Firearm cases or racks shall be key locked to prevent removal of firearms by children, and shall not be housed in areas of the home used for the care of children. As required by Florida Statute, section 790.174, as may be amended, and Florida Administrative Code 65C-13.030 and 65C-20.010, as may be amended, a person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in Florida Statute, section 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock. To the extent prohibited by Florida Administrative Code 65C-20.010 (1)(d), no firearms or weapons as defined in Section 790.001 Florida Statutes, shall be kept upon any person located on the premise, excluding federal, state or local law enforcement officers.~~
