



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARDS/COMMITTEES APPLICATION**

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**Section I (Department):** (Please Print)

Board Name: CHILD CARE ADVISORY COUNCIL Advisory  Not Advisory

At Large Appointment or  District Appointment /District #: \_\_\_\_\_

Term of Appointment: None Years. From: Not Applicable To: Not Applicable

Seat Requirement: None Seat #: Not Applicable

\*Reappointment or  New Appointment

or  to complete the term of Not applicable Due to:  resignation  other

Completion of term to expire on: Not applicable

\*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: \_\_\_\_\_

**Section II (Applicant):** (Please Print)

**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Brown Elyse Weintraub  
Last First Middle

Occupation/Affiliation: Fire Safety Specialist  
Owner  Employee  Officer

Business Name: Palm Beach County Fire Rescue

Business Address: 405 PIKE RD.  
City & State: West Palm Beach, Zip Code: 33411

Residence Address: 3262 Harness Circle  
City & State: Wellington Zip Code: 33449

Home Phone: 609 346 2132 Business Phone: 609 616 705 Ext.

Cell Phone: 609 346 2132 Fax: 609 616 7084

Email Address: ebrown@pbcgov.org

Mailing Address Preference:  Business  Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No

If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_

Minority Identification Code:  Male  Female  
 Native-American  Hispanic-American  Asian-American  African-American  Caucasian

**Section II Continued:**

**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

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<u>Ex: (R#XX-XXXX/PO XXX)</u>	<u>Parks &amp; Recreation</u>	<u>General Maintenance</u>	<u>10/01/11-09/30/12</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR  NONE

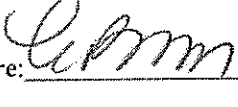
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AND

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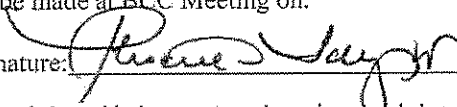
\*Applicant's Signature:  Printed Name: Eugene W. Brown Date: 11/5/13

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 233-0724.

Return this FORM to:  
Courtney Shippey, Palm Beach County Health Department  
800 Clematis Street, 4<sup>th</sup> Floor, West Palm Beach, FL 33401

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature:  Date: 12/9/2013

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Email Address: ebrown@pbcgov.org

Mailing Address Preference:  Business  Residence

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Minority Identification Code:  Male  Female  
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Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
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(Attach Additional Sheet(s), if necessary)

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\*Applicant's Signature: *[Signature]* Printed Name: Eusew. Brown Date: 11/5/13

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Commissioner's Signature: *Sal R. Valerio* Date: 12/9/13

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 08/01/2011

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Commissioner's Signature: *Mary Lou Beger* Date: 12-5-13

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Revised 08/01/2011

## **ELYSE WEINTRAUB BROWN**

405 Pike Road • West Palm Beach, Florida 33411 • (561) 616-7051

### **EXPERIENCE**

#### **PALM BEACH COUNTY FIRE RESCUE (WEST PALM BEACH, FLORIDA)**

##### ***Community Education Specialist 2003-Present***

- Organize public requests and instruct fire and life safety educational presentations for older adults, business and healthcare staff, the general public, and school aged-children.
- Develop lesson plans, power point presentations for public speaking events, and speak to adults, teens, and school aged children on topics such as poison prevention; fire safety; bike and pedestrian safety; motor vehicle safety and seatbelt use; water safety and drowning prevention; choking, suffocation, and strangulation prevention; playground safety and fall prevention.
- Conduct injury prevention, proper child passenger safety seat selection, use, and installation; and childproofing lectures for local Mom's Clubs.
- Certified Instructor and Child Passenger Safety Seat Technician. Participate in weekly car seat check and installations at selected locations.
- Conduct babysitter safety classes focusing on injury prevention and hazards in the home, C.P.R. & first aid.
- Host, Co-Producer, and Scriptwriter for the Department's 30 minute televised community information and education program *Crossing the Line* on Palm Beach County Channel 20. This includes 15 and 30 second public service announcements. Perform on-camera stand-up shoots for several segments such as Child Safety in the Home, Lightning Safety, Bicycle Safety, and Hurricane Safety.
- Work closely with the Department's Public Information Officer interviewing with several live and prerecorded television news networks and radio/satellite programs on safety topics such as: child safety in the home, smoke detectors, hurricane safety, generator safety, senior fire safety, babysitting safety and hazards in the home.
- Coordinated mass community smoke detector and carbon monoxide detector installations with the Volunteer Battalion and individual installation requests through Operations. Developed the SOP for the Smoke Detector Installation Program. Designed and implemented the Smoke Detector Installation Kits for the Engines so that the crews can perform quick on-site installations for citizens with missing or faulty smoke detectors.
- Developed and implemented the Mobile Sign Campaign consisting of 5 seasonal safety messages posted on Engines, Rescues, and staff vehicles. Designed 4 of the 5 safety messages which are: seatbelt safety, drowning prevention, carbon monoxide awareness, and smoke detector awareness. Wrote the S.O.P. for this campaign. Organized a high profile press conference in August 2007 with State Senator Mandy Dawson and State Representative Joe Gibbons to speak on behalf of the 1<sup>st</sup> sign campaign: Never Leave a Child Unattended in a Car.
- Developed the department's Bureau of Safety Services website as Committee chairperson collaborating input and data for the Bureau's four Sections: New Construction Inspections & Plans Review, Existing Inspections, Fire Investigations, and Community Education. Established close working relationship with department web master to establish web page content, style, and format.

#### **CITY OF CORAL SPRINGS FIRE DEPARTMENT (CORAL SPRINGS, FLORIDA)**

##### ***Fire Inspector/Firefighter/EMT/Public Education Officer 1997-2003***

- Promote, coordinate, and educate citizens on injury prevention, safety from fire in the home, school, and the workplace by way of assembled presentations, classes, and public events, and hands on training with for citizens on the proper selection and use of fire extinguishers.
- Collect and maintain data and statistics regarding injuries and deaths, both accidental and non-accidental, to citizens of all ages in the home, workplace, businesses and local establishments, product recalls and potential risks to prevent future injuries and deaths by obtaining educational resource materials for public distribution and by researching, applying for, and obtaining available funding sources to subsidize new and existing prevention programs.



- Coordinated and assisted with discussions to local high school students about fire behavior, alcohol awareness, and seatbelt safety.
- C.E.R.T. (Community Emergency Response Team) Coordinator, Train-the-Trainer, and conduct C.E.R.T. Instructor workshops in addition to maintaining and conducting regular training meetings for existing C.E.R.T. members.
- Conduct juvenile firesetter intervention and participate in the Broward County Juvenile Firesetters Referral Program.
- Wrote and received federal grant award from FEMA 2001 Firefighters Assistance Grant for the City's Smoke Detector and Battery Give-Away/Installation Program. Developed program guidelines and standard operation procedure.
- Applied for and accepted by the Florida Department of Health as Florida's 6<sup>th</sup> NFPA Risk Watch Champion to pilot the program locally. Typically 5 is the maximum allowance.
- Coordinate and work on special projects as the revision of the department's web page, ride along program, write standard operating procedures for department policies, and spearhead the annual fire prevention week community kick-off event.
- Conducted neighborhood preservation inspections and annual and follow-up fire safety inspections for both commercial and residential based businesses.
- Responded to fire and emergency medical calls.

CITY OF ATLANTIC BEACH FIRE/RESCUE DEPARTMENT (ATLANTIC BEACH, FL)

Fire Safety Specialist (Temporary Contract Position), 1997-1997

- Developed, coordinated and conducted a variety of fire, life safety, and injury prevention presentations to various civic organizations, business and school staff, Mom's Clubs, and school groups.
- Coordinated and administrated the department's CPR/First Aid Program.
- Conducted fire safety inspections.
- Reviewed construction plans for compliance with fire protection features.
- Researched and prepared recommendations regarding local fire prevention and protection ordinances, inspection and permit practices.

CITY OF MIAMI DEPARTMENT OF FIRE-RESCUE (MIAMI, FL)

Fire & Life Safety Educator/ Grant Resource Teacher (Grant Funded Position), 1996-1997

- Coordinated and conducted fire and life safety education presentations.
- Instructed citizen groups and business employees on fire safety and prevention practices, emergency evacuation procedures, C.P.R. /first aid and injury prevention.
- Supervised and evaluated fire exit drills in high-rise commercial and residential buildings and other public facilities.
- Instructed business and school staff about the proper selection and use of fire extinguishers.

CITY OF FAYETTEVILLE FIRE DEPARTMENT (FAYETTEVILLE, GA)

Firefighter/E.M.T., Fire Safety Education Coordinator, Fire Inspector 1995-1996

- Conducted fire safety inspections for existing businesses.
- Developed the Department's Fire and Life Safety Education Program.
- Coordinated contacts and conducted regularly scheduled fire safety education presentations for the local preschools, day care centers, and elementary schools.
- Presented state mandated courses for local daycare providers focusing on the subjects of basic first aid and fire safety awareness and prevention.
- Responded to fire and rescue calls and performed emergency medical services.

EDUCATION

40-HOUR PUBLIC INFORMATION OFFICER, Palm Beach County Fire Rescue 2006

FIRE AND LIFE SAFETY EDUCATOR II, Palm Beach County Fire Rescue 2005

JUVENILE FIRESETTER EDUCATIONAL INTERVENTION WORKSHOP, Pahokee Fire Rescue and Palm Beach County Fire Rescue 2003

**BACHELORS DEGREE IN PROFESSIONAL MANAGEMENT WITH A FIRE SCIENCE ADMINISTRATION SPECIALTY**, Nova Southeastern University 2001

**ASSOCIATE OF SCIENCE DEGREE IN FIRE SCIENCE TECHNOLOGY**, Miami-Dade Community College 1994

STATE OF FLORIDA CERTIFICATIONS AND LICENSES

FIRE INSTRUCTOR III, Bureau of Fire Standards and Training 2006

FIRE SAFETY INSPECTOR, Miami-Dade Community College 1994

EMERGENCY MEDICAL TECHNICIAN, Miami-Dade Community College 1994

FIREFIGHTER CERTIFICATE OF COMPLIANCE, Florida State Fire College 1993

NATIONAL CERTIFICATIONS

CHILD PASSENGER SAFETY SEAT INSTRUCTOR, Safe Kids Worldwide 2010

CHILD PASSENGER SAFETY SEAT TECHNICIAN, Safe Kids Worldwide 2008

Agenda Item #: 5A

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

BA/V 7-0

PALM BEACH COUNTY HEALTH DEPARTMENT

AS AMENDED

AGENDA ITEM SUMMARY

R-2011-1230

Meeting Date: August 16, 2011

Consent

Regular

Ordinance

Public Hearing

Department: Palm Beach County Health Department

Submitted By: Administration

Submitted For: Child Care Facilities Board

I. EXECUTIVE BRIEF

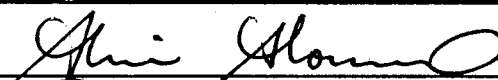
**A. Motion and Title: Staff recommends motion to adopt:** A Resolution of the Board of County Commissioners of Palm Beach County, Florida, Sitting as the Child Care Facilities Board, Titled the Palm Beach County Rules and Regulations Governing Child Care Facilities: Amending Articles III Through XIX 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 for 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).

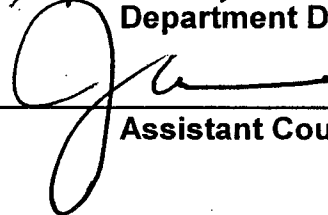
**C. Background and Policy Issues:** The proposed amendments to the Palm Beach County Rules and Regulations Governing Child Care Facilities were reviewed and approved by the Child Care Advisory Council on June 14, 2011, and approved for first reading and advertising on July 19, 2011 by the Child Care Facilities Board. (Continued on Page 3)

**D. Attachments:**

1. Resolution
2. Palm Beach County Rules and Regulations Governing Child Care Facilities
3. Memo dated August 9, 2011, describing text change.

Recommended by:   
Department Director

7/26/11  
Date

Approved by:   
Assistant County Administrator

8/9/11  
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) \_\_\_\_\_

*and Proposed*

Is Item Included in Current Budget? Yes X 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:**

*[Signature]* 7/28/11  
 VA  
 OFMB 7/28/11 PM  
 7-27-11

*[Signature]* 8/2/11  
 Contract Dev. and Control

**B. Legal Sufficiency:**

*[Signature]* 8/4/11  
 Assistant County Attorney

*[Signature]*  
 Chief Legal Counsel

**C. Other Department Review:**

*[Signature]*  
 Department Director

REVISED 10/95  
 ADM FORM 01

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

## **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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**RESOLUTION NO. R-2011- 1230**

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.

31           **WHEREAS**, Chapter 59-1698, Special Acts, Laws of Florida, as amended by  
32 Chapter 77-620, Special Acts, Laws of Florida and Chapter 2010-249, Special Acts, Laws of  
33 Florida provides that the Palm Beach County Board of County Commissioners sitting as the  
34 Child Care Facilities Board shall make, promulgate, amend, and repeal such rules and  
35 regulations as are necessary to protect the health and safety of persons in child care  
36 facilities; and

37           **WHEREAS**, many parents with children are employed outside the home; and

38           **WHEREAS**, child care is an indispensable part of the effort to meet basic  
39 economic obligations and to make economic gains; and

40           **WHEREAS**, Palm Beach County recognizes the changing composition of the  
41 labor force and the need to respond to the concerns of its citizens as they choose child  
42 care; and

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

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

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

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

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

55  
56 All local rules and regulations or local laws in conflict with any provision of this resolution  
57 are hereby repealed to the extent of any conflict.

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

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

64   **Section 4. Severability**

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

68

69 **Section 5. Savings Clause**

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

74 **Section 6. Effective Date**

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

78  
79 The foregoing Resolution was offered by Commissioner Aaronson  
80 who moved its adoption. The motion was seconded by Commissioner  
81 Vana and, being put to a vote, the vote was as follows:

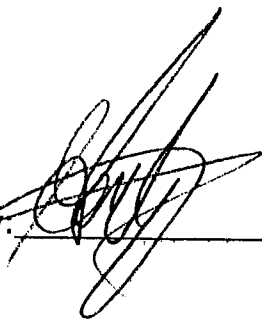
82	COMMISSIONER KAREN MARCUS, CHAIR	Aye
83	COMMISSIONER SHELLEY VANA, VICE CHAIR	Aye
84	COMMISSIONER PAULETTE BURDICK	Aye
85	COMMISSIONER STEVEN ABRAMS	Aye
86	COMMISSIONER JESS SANTAMARIA	Aye
87	COMMISSIONER BURT AARONSON	Aye
88	COMMISSIONER PRISCILLA TAYLOR	Aye

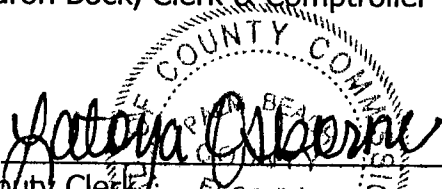
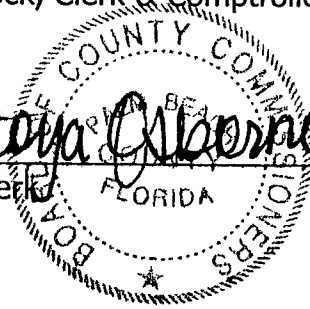
89 The Chair thereupon declared the Resolution duly passed and adopted this  
90 16th day of August, 2011.

91  
92 APPROVED AS TO FORM AND  
93 LEGAL SUFFICIENCY

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

Sharon Bock, Clerk & Comptroller

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101 By:   
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By:   
Deputy Clerk 



**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* -- 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 1<sup>st</sup> 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 1<sup>st</sup> of the  
115 calendar year.  
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117 iv. Bible schools normally conducted during vacation periods.  
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- 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 Public Law 94-142 {The Individuals with Disabilities Education Act (IDEA)} or 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 Public Law 94-142 or Public Law 99-457.

ii) *Non-public schools:*

- 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.

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- 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.

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

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

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

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

(2) Exceptions:

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

- 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](http://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](http://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](http://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](http://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](http://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.  
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- 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.  
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- 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

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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. *Licensed capacity*-- 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. *Medication* -- 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;

(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. *Mildly Ill children* -- 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. *Operator/director*-- 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. *Owner* -- 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.



- 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](http://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](http://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.

579 **ARTICLE IV. LICENSURE PROCEDURE**

580  
581 **A. License or certificate required.**

582  
583 1. It shall be unlawful for any person, firm or corporation to establish, maintain, or  
584 operate a child care facility in Palm Beach County, without first obtaining a license or  
585 certificate pursuant to these rules and regulations.

586  
587 (a) Certificate of Compliance Facilities:  
588 Bona fide religiously affiliated child care programs, which comply with these  
589 minimum standards of health, safety and well-being, as specified herein, after  
590 demonstrating to the Department and the Child Care Advisory Council that said  
591 standards have been met, and after payment of applicable fees, may be given  
592 a certificate of compliance in lieu of a license.

593  
594 Institutions qualifying for certificates of compliance must submit a statement  
595 of purpose and intent. It is understood that freedom of religion as expressed  
596 in the Florida and Federal constitutions shall remain inviolate. Moreover,  
597 institutions receiving certificates of compliance do so with the willingness to  
598 abide by rules relating solely to the health, safety and well-being of the  
599 children. Acceptance of a certificate of compliance shall in no way constitute a  
600 waiver of any institution's right to legally challenge any rule or regulation  
601 embodied herein.

602  
603 (b) Certificate of Substantial Compliance Facilities:  
604 Non-public schools in which certain programs are deemed by the Department  
605 as child care are subject to the provisions of these rules. Non-public school  
606 programs for children who are at least three (3) years of age, but under (5)  
607 five years of age need not be licensed provided: a) the programs in the non-  
608 public schools are operated and staffed directly by the non-public schools; b) a  
609 majority of the children enrolled in the non-public schools are five (5) years of  
610 age or older; c) there is compliance with the screening requirements for  
611 personnel pursuant to these rules; and d) the program substantially complies  
612 with these minimum child care standards. After demonstrating to the  
613 Department that substantial compliance has been met, and after payment of  
614 applicable fees, such programs may be given a certificate of substantial  
615 compliance in lieu of a license, subject to Council approval.

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

621  
622 **2. THE CHILD CARE ADVISORY COUNCIL**

623  
624 (a) The Board of County Commissioners of Palm Beach County, Florida, acting in  
625 the capacity as the Child Care Facilities Board is the local licensing agency to  
626 license child care facilities in Palm Beach County. The Board has designated  
627 the Child Care Advisory Council to act on the Board's behalf for the purpose of  
628 issuance and revocation of licenses, certificates of compliance, and certificates  
629 of substantial compliance. The Department shall serve as staff to the Child  
630 Care Advisory Council.

631  
632 (b) Appointment and Termination

633  
634 (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as  
635 amended, the Palm Beach Board of County Commissioners, sitting as the  
636 Child Care Facilities Board, shall appoint a Child Care Advisory Council.  
637 Members of the Child Care Advisory Council shall serve at the pleasure of

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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

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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. 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. 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 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 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.

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- 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.

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- 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 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 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

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 31<sup>st</sup> 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 1<sup>st</sup> 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

b. Fees for local screening of applicant, owner, and operator.

913

914 c. An affidavit attesting that all child care personnel have been screened. Names  
915 of all employees must be included on the Child Care Facility Current Personnel  
916 List Affidavit. This document must show the date local screening was  
917 conducted and clearance to continue working in the child care facility was  
918 verified for each current employee and volunteer. To satisfy this requirement,  
919 the annual local screening (local arrest history check) by Palm Beach County  
920 Sheriff's Office must be conducted after July 31 of the current year.

920

921 d. A copy of the satisfactory current annual fire inspection report;

922

923 e. A copy of the Certificate of Insurance for the child care facility.

924

925 f. If the applicant is a corporation, a current corporate status sheet issued by the  
926 Florida Department of State.

927

928 g. Revised fictitious name documentation reflecting any additions or changes.

929





988 16. If for any reason the child care facility is operating without the required annual license  
989 or certificate, the owner or operator shall post notice in a conspicuous place in the  
990 facility informing customers and visitors that the facility is operating without the  
991 required license/certificate. The notice shall be posted on the day the facility starts  
992 operating without the regular annual license/certificate, and shall not be removed until  
993 the facility receives and posts the required annual license/certificate. A regular  
994 license/certificate does not include provisional or probationary licenses.  
995

996 17. All prospective owners or operators of a child care facility shall attend a pre-licensing  
997 workshop conducted by the Department prior to the application being presented to the  
998 Child Care Advisory Council for approval. A new operator or director, who assumes  
999 responsibility for a facility that is already licensed or certified, shall attend this  
1000 workshop within six months of being named director of the child care facility. Other  
1001 directors and credentialed staff members also may attend the licensing workshop for  
1002 required in-service training hours, or as part of a corrective action for non-compliance.  
1003 The pre-licensing workshop will cover subjects critical to the effective operation of the  
1004 facility such as background screening, personnel training, records management, license  
1005 renewal, transportation requirements, food service requirements, and general safety  
1006 requirements.  
1007

1008 **B. Minimum standards for the issuance of licenses & certificates**  
1009

1010 1. Standards established by these rules and regulations shall meet or exceed state child  
1011 care standards set forth in Chapter 402, Florida Statutes, as amended, or replaced,  
1012 and Florida Administrative Code provisions established pursuant to Florida Statutes, §  
1013 402.305, as amended or replaced, which standards are expressly incorporated herein  
1014 by reference. In the event of a conflict between these rules and state child care  
1015 standards, the more stringent shall apply.  
1016

1017 2. No rules and regulations of the Board shall be adopted or become effective until after  
1018 a public hearing has been held by the Board pursuant to notice published in a  
1019 newspaper of general circulation in Palm Beach County at least ten (10) days prior to  
1020 the hearing.  
1021

1022 3. When approved by the Board and filed with the Clerk of the Board of County  
1023 Commissioners, such rules and regulations have the force and effect of law.  
1024

1025 4. To insure that accurate statistical data is available, the Department shall report  
1026 annually to the Department of Children and Families the number of family day and  
1027 child care facilities under the jurisdiction of the Child Care Facilities Board, the  
1028 number and age range of children served, and the number of revocations and denials  
1029 of licenses during the previous year.  
1030

1031 5. Insurance requirements.  
1032

1033 a) At time of licensure or certification, and before providing any child care services,  
1034 the owner or operator of a child care facility shall have obtained a  
1035 comprehensive general liability policy in the minimum amount of no less than  
1036 one hundred thousand dollars (\$100,000.00) as a continued single limit for  
1037 bodily injury and property damage. The facility must provide the Department  
1038 with a certificate of insurance evidencing the required coverage. The facility  
1039 shall be required to give the local licensing agency thirty (30) days notice prior  
1040 to cancellation of the policy.  
1041

1042 b) The facility shall continuously maintain no less than the minimum required  
1043 insurance. Failure to maintain the minimum dollar amount of the insurance  
1044 required herein shall be a violation of these rules subject to such penalties as  
1045 are provided by law, resolution or ordinance for the violation of these rules. In  
1046 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.

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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 2. A probationary status license or certificate is used as a disciplinary  
1090 sanction for repeated noncompliance with licensing requirements. A  
1091 probationary status license that is issued due to non-compliance within  
1092 the provider's control is valid for up to six months. A probationary  
1093 status license issued for this reason may not be renewed.

1094 3. A probationary status license issued for non-compliance may be  
1095 suspended or revoked if monthly inspections by the Department find  
1096 that the provider is not in compliance with the terms of the corrective  
1097 action plan, or that the provider is not making sufficient progress  
1098 toward compliance with the licensing requirements.  
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4. Probation requires the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the facility must operate during the probationary period.
5. A probationary license or certificate may be granted only by the Child Care Advisory Council on the recommendation of the Department, to satisfy the remedy prescribed in the Department's child care licensing enforcement procedures, or as an alternative to revocation of a license or certificate or denial of an application for renewal of an annual license or certificate.

**E. Advertisements.**

1. It shall be a violation of these rules for any person or entity to advertise or otherwise offer child care services without first obtaining a valid license, certificate of compliance or certificate of substantial compliance.
2. Any person advertising a child care facility to the public in any way or by any medium whatsoever, ~~by printed notice or broadcast,~~ must include in the advertisement the facility's local agency license number or certificate number. This requirement includes, but is not limited to, advertisements in the yellow pages of the telephone directories, community bulletin boards, fliers, pamphlets, classified ads, signs, radio, television, electronic media, and other advertising media. This requirement does not apply to classified ads for employment purposes, or construction signs that merely indicate the type of facility being built and include no contact information or customer solicitation.

**F. Fees.**

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

1. Child Care Facility. For operation of a child care facility with a licensed or approved capacity of twenty-five (25) children or less, the annual license or certificate fee shall be equal to one hundred and fifty dollars (\$150.00). For operation of a child care facility with a licensed or approved capacity greater than twenty-five (25) children, the annual license or certificate fee shall be equal to one hundred and fifty dollars (\$150.00) plus four dollars (\$4.00) for each child allowed to attend the facility in excess of twenty-five (25) children as authorized by the facility's licensed or approved capacity. "Licensed" or "approved capacity" is indicated on the license or applicable certificate and refers to the maximum number of children that may lawfully be cared for by a facility at anytime.
2. Prorated Fees for Mid-year Licensure. Child care facilities obtaining a license after the beginning of the calendar year, and child care facilities seeking to increase licensed capacity, shall be required to pay a prorated fee as follows:

<b>For licenses/certificates issued:</b>	<b>License/certificate</b>	<b>fee</b>	<b>required:</b>
Jan.1 through Mar. 31	100%	of required	annual fee
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.

1173 **ARTICLE V: DENIAL OR REVOCATION OF LICENSE OR CERTIFICATE**  
1174

1175 **A. Exclusion From Owning, Operating, Or Being Employed By A Child Care**  
1176 **Facility Or Other Child Care Program:**  
1177

1178 ~~(1)~~ Ownership and operation of a child care facility, or employment by a child care facility  
1179 may be excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or  
1180 replaced.  
1181

1182 ~~(2)~~ (1) Where the Department is aware of a history of enforcement or disciplinary  
1183 action involving an applicant, owner ~~or operator while being the owner~~, operator, or  
1184 employee of a child care facility or family day care facility, the Department shall  
1185 notify the applicant, owner, or operator, in writing, that such history could be  
1186 grounds for denial or revocation of a child care facility license or certificate.  
1187 Pursuant to Article VII (G)(1) herein, the Department shall refer the following to the  
1188 Child Care Advisory Council to make determination as to the exclusion from owning  
1189 or operating a child care facility in Palm Beach County and the denial or revocation  
1190 of such license or certificate:  
1191

1192 (a) The applicant, owner, or operator of a child care facility or family day care  
1193 facility whose license or certificate had been denied, revoked or suspended  
1194 in any state or jurisdiction, or  
1195

1196 (b) The applicant, owner, or operator has been the subject of disciplinary action  
1197 or had been fined while being the owner, operator, or employee of a child  
1198 care facility or family day care facility in any state or jurisdiction.  
1199

1200 (c) Should the Council's initial determination be that there are possible grounds  
1201 for denial or revocation, the Council shall direct the Department to issue a  
1202 notice of intent to deny or revoke in accordance with Article V herein.  
1203

1204 **B. Intent to Deny or Revoke a License or Certificate**  
1205

1206 The Department shall deny, suspend, or revoke a license or certificate, or pursue  
1207 other remedies including, but not limited to, the implementation of a corrective action  
1208 plan and enforcement action as set forth in Article XXI herein, in addition to or in lieu  
1209 of denial, suspension, or revocation for failure to comply with the standards herein.  
1210

1211 1. When the Director of the Department has reasonable cause to believe that grounds for  
1212 denial or revocation of a license or certificate exists, or when the Council has directed  
1213 the issuance of a notice of intent to deny or revoke, the Director shall notify the  
1214 applicant or licensee in writing, stating the grounds upon which the license or  
1215 certificate is being denied or revoked.  
1216

1217 2. If the applicant or licensee makes no written request for a hearing to the Child Care  
1218 Advisory Council within fifteen (15) days from receipt of such notice, the license or  
1219 certificate shall be deemed denied or revoked as the case may be.  
1220

1221 **C. Denial or Revocation Hearings**  
1222

1223 1. Such hearings are not granted pursuant to Florida Statute, Chapter 120, but are  
1224 granted pursuant to Special Acts, Laws of Florida, Chapter 59-1698, as  
1225 amended.  
1226

1227 2. If a request for a hearing is made to the Child Care Advisory Council, a  
1228 hearing shall be held within sixty (60) days and shall be conducted by the  
1229 Child Care Advisory Council. Either party may be granted a one-time  
1230 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*.

## ARTICLE VI. 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. *Child abuse and neglect training*

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

### B. *Forty-hour introductory child care training:*

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 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:
  - a. Child Care Facility Rules and Regulations;
  - 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.

Part II is comprised of ten (10) hours of training that consists of a selection from the following DCF specialized training courses:

- f. Infant and Toddler Appropriate Practices (10 hours);
- g. Preschool Appropriate Practices (10 hours);
- h. School-Age Appropriate Practices (10 hours);
- i. Special Needs Appropriate Practices (10 hours);
- j. ~~e~~-Basic Guidance & Discipline (5 hours online);
- k. ~~f~~-Early Literacy for Children Age Birth to Three (5 hours online);
- l. Early Childhood Computer Learning Centers (5 hours online),
- m. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

4. Exemptions from the Introductory Child Care Training.

- a. Child care personnel in compliance with the school-age requirements in paragraph 65C-22.008(4)(c), F.A.C., shall be considered in compliance with the child care personnel training requirements.
- b. Child care personnel who left the child care industry in compliance with training requirements, upon returning, shall be granted 90 days to comply with any new mandated training requirements. Completion of such training may be counted toward the in-service training requirement.
- c. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.
- d. Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.
- e. The child care operator shall be required to take basic training in serving children with disabilities within three (3) years after employment, either as a part of the introductory training or the annual ten (10) hours of in-service training.

C. Early Literacy & Language Development

- 1. All child care personnel shall complete a single course of training in early literacy and language development of children ages birth through five years. The course shall be a minimum of five clock hours or 0.5 CEUs. However, school age child care personnel meeting the requirements of 65C-22.008(4) are exempted from this requirement.
- 2. Child care personnel must complete early literacy training within 12 months of the date of employment in the child care industry. Proof of completion must be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet the literacy training requirement, child care personnel must complete one of the following:
  - a. One of the DCF online literacy courses available on the department's website at [www.myflorida.com/childcare](http://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.

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1368 D. Documentation of Training.

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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.

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1396 E. Director Credential

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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.

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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.  
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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.

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- G. Annual in-service training.
1. All child care personnel, except volunteers who work or assist intermittently less than 10 hours a per month, must complete ten (10) hours of annual in-service training. There are no exemptions from the annual in-service training for child care personnel. The annual ten (10)-hour or one (1) CEU in-service training must be completed annually during the state's fiscal year beginning July 1, and ending June 30.
  2. The annual ten (10)-hour or one (1) CEU in-service training must be completed in one or more of the following areas:
    - a) Health and safety, including universal precautions;
    - b) CPR;
    - c) Nutrition;
    - d) Child development, typical and atypical;
    - e) Child transportation and safety;
    - f) Behavior management;
    - g) Working with families;
    - h) Design and use of child oriented space;
    - i) Playground safety;
    - j) Community, health and social service resources;
    - k) Child abuse;
    - l) Child care for multilingual children;
    - m) Working with children with disabilities in child care;
    - n) Guidance and Discipline;
    - o) Developing special interest centers/ spaces and environments; or
    - p) Literacy;
    - q) First Aid: this training may only be taken to meet the annual in-service requirement once every three (3) years.
    - r) Computer Technology;
    - s) Leadership development/program management and staff supervision;
    - t) Age appropriate lesson planning;
    - u) Homework Assistance for school age care;
    - 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.

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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

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- 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.

1537 **ARTICLE VII. BACKGROUND AND SCREENING REQUIREMENTS**  
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1539 A. In accordance with Chapter 435, Florida Statutes, as amended or replaced, as  
1540 amended, each facility shall screen its personnel and those volunteers who assist at the  
1541 facility using the Level 2 standards for screening set forth in that Chapter. Standards  
1542 for screening shall also ensure that the person has not been judicially determined to  
1543 have committed abuse or neglect against a child as defined in Florida Statutes, § 39.01,  
1544 as amended or replaced.

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1546 Screening includes the following:  
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- 1548 1. Level 2 screening as defined in Section 435.04, F.S., includes at a minimum  
1549 Federal Bureau of Investigations (FBI), Florida Department of Law Enforcement  
1550 (FDLE), and local law enforcement (Palm Beach County Sheriff's Office (PBSO))  
1551 records checks. For the purpose of issuing a license, any out-of-state criminal  
1552 offense, which if committed in Florida, would constitute a disqualifying felony  
1553 offense, shall be treated as a disqualifying felony offense for screening purposes  
1554 under this rule  
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- 1556 2. An employment history check must include the previous ~~two~~ five years, which  
1557 shall include the applicant's job title and a description of their regular duties,  
1558 confirmation of employment dates, and level of job performance. Failed attempts  
1559 to obtain the employment history must be documented in the personnel file, and  
1560 include dates, times, and the reason the information was not obtained.  
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- 1562 3. A Child Care Affidavit of Good Moral Character must be completed for all child  
1563 care personnel annually or in accordance with the Department's screening  
1564 procedures. A copy of the Affidavit of Good Moral Character form may be  
1565 obtained from the Department.  
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- 1567 4. Evidence of background screening and compliance with this article shall be  
1568 maintained at the facility and be available for inspection by the Department. The  
1569 Department is authorized to prescribe the frequency and the forms for regularly  
1570 submitting proof of compliance with this Article.  
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1572 B. In addition to personnel and volunteers, the following individuals shall be screened:  
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- 1574 1. If the child care facility is located adjacent to or connected to the home of the  
1575 owner or operator, family members and persons residing in the home shall also be  
1576 screened using the Level 2 standards. This provision for Level 2 background  
1577 screening shall also apply in instances where any other residence is located on the  
1578 same property as the day care facility. Residents of this property that are 12  
1579 through 17 years of age are only required to complete the FDLE and local law  
1580 enforcement records (PBSO) checks.  
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- 1582 2. Child enrichment service providers  
1583 a. A child enrichment service provider must meet the Level 2 screening  
1584 requirements prior to providing services to a child in a child care facility.  
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1586 b. Documentation of completed background screening shall be available for child  
1587 enrichment service providers whenever such persons are at the facility or  
1588 working with children as part of the facility's program.  
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1590 c. A child enrichment service provider who has met the screening standards shall  
1591 not be required to be under the direct and constant supervision of child care  
1592 personnel; however, facility and group staffing ratios and supervision  
1593 requirements must be maintained in keeping with requirements set forth in  
1594 Article VIII of these rules.  
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3. All other persons who work in a child care facility during regular operating hours, including but not limited to office staff and maintenance staff, and who may have contact with children in care, shall also be screened using the Level 2 standards.
- C. Screening Exceptions
1. Volunteers who assist less than 10 hours per month must complete the statewide (FDLE) and local criminal records (PBSO) checks. Volunteers who assist 10 hours or more per month must meet the full Level 2 screening requirements for child care personnel.
  2. Persons who work in a child care facility after hours when children are not present, and parents of children in Head Start programs are not required to be screened.
  3. Students who observe and participate in a child care facility as part of their required course work are not required to be screened provided such observation and participation is on an intermittent basis and the students are under direct and constant supervision of child care personnel while at the facility.
  4. In lieu of fingerprinting, teachers and non-instructional personnel with proof of background screening clearance through employment by any of the State's school boards within the past ninety (90) days shall complete an affidavit of good moral character and a local criminal records check. Proof of current screening clearance must be provided prior to employment at the child care facility.
- D. Responsibility for Screening
1. The Department of Children and Families (DCF) and the Department shall facilitate the screening and background checks for the owner, applicant, and operator of a child care facility when required by these regulations.
    - a. The applicant for Level 2 screening shall submit fingerprints using electronic LiveScan through DCF-approved vendors. The facility shall submit to the Department all other required documentation and related fees for screening of owners, applicants, and operators.
    - b. When disposition information is missing on screening results received from FDLE, it shall be the responsibility of the operator, upon request of the Department to obtain and supply the missing disposition information. Failure to supply missing information within thirty (30) days or to show reasonable effort to obtain such information shall result in automatic disqualification.
    - c. A license or applicable certificate shall not be issued until all the applicants have been cleared and the Department has been notified of such results.
    - d. A license or applicable certificate shall not be issued or renewed if any owner, operator, applicant, or child care personnel at the applicant facility has failed the screening required by Florida Statutes § 435.04, as amended or replaced.
  2. Each facility licensed or certified hereunder shall be responsible for ensuring that all prospective employees, substitutes, volunteers, and child enrichment service providers are screened and cleared before they are allowed to work in the facility. It shall be the responsibility of the facility to fulfill the screening requirements of Chapter 435, Florida Statutes, as amended or replaced, including receiving information from the Florida Department of Law Enforcement and responding accordingly. It shall be a violation of these rules for any facility to fail to comply with the requirements of Chapter 435, Florida Statutes, as amended or replaced.
- E. Disqualification based upon screening results
1. Any person who is required to undergo employment screening and who refuses to cooperate in such screening or refuses to submit the information necessary to

complete the screening, including fingerprints when required, shall be disqualified for employment in such position or, if employed, shall be dismissed.

2. A person who fails the Level 2 background screening requirements of Chapter 435, Florida Statutes, as amended or replaced, shall not be permitted to volunteer or work as staff in any child care facility, unless the employee has been granted an exemption from disqualification by the Department of Children and Families pursuant to section 435.07, Florida Statutes, as amended or replaced.
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. No person shall be an operator, owner of, or employee in a child care facility if that person:
  - a. Has falsified screening application information.
  - 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

1. Level 2 screening conducted under this rule is valid for five years, at which time a 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.
2. A facility shall re-screen any child care personnel who has a break in employment 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.

#### G. Consideration of Applicant's History

1. The Department shall include on the application for a child care license or certificate of compliance a question asking the applicant, owner, or operator if any such person has ever had a license or certificate denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or has been fined while employed in a child care facility. The applicant, owner, or operator shall attest to the accuracy of the information requested under penalty of perjury. If the applicant, owner, or operator admits that he/she has been a party in such action, the Council shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license or certificate to operate a child care facility. If the Council determines 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



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certificate shall not be granted in accordance with the procedures set forth in Article V (A) herein.

2. The child care facility employer shall require that the application for a child care personnel position contain a question that specifically asks the prospective employee if he/she has ever worked in a facility that has had a license or certificate denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or has been fined while employed in a child care facility. The prospective employee shall attest to the accuracy of the information requested under penalty of perjury. If the prospective employee admits that he/she has been a party in such action, the employer shall review the nature of the denial, suspension, revocation, disciplinary action, or fine before the prospective employee is hired.
3. The facility shall conduct an employment history check for the previous two (2) five years or last three (3) jobs (whichever covers a longer period) as part of background screening for all child care personnel. This shall be documented on forms and contain such information as prescribed 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.

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 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. A license or applicable certificate may be issued if all the facility personnel have been screened and cleared; however, a license or applicable certificate 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.
- 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 a 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**

<b>AGE OF CHILDREN</b>	<b>STAFF RATIOS FOR CHILD CARE</b>	<b>STAFF RATIOS FOR DROP-IN CHILD CARE</b>
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**

- 1. 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.  
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- 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.  
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- 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.

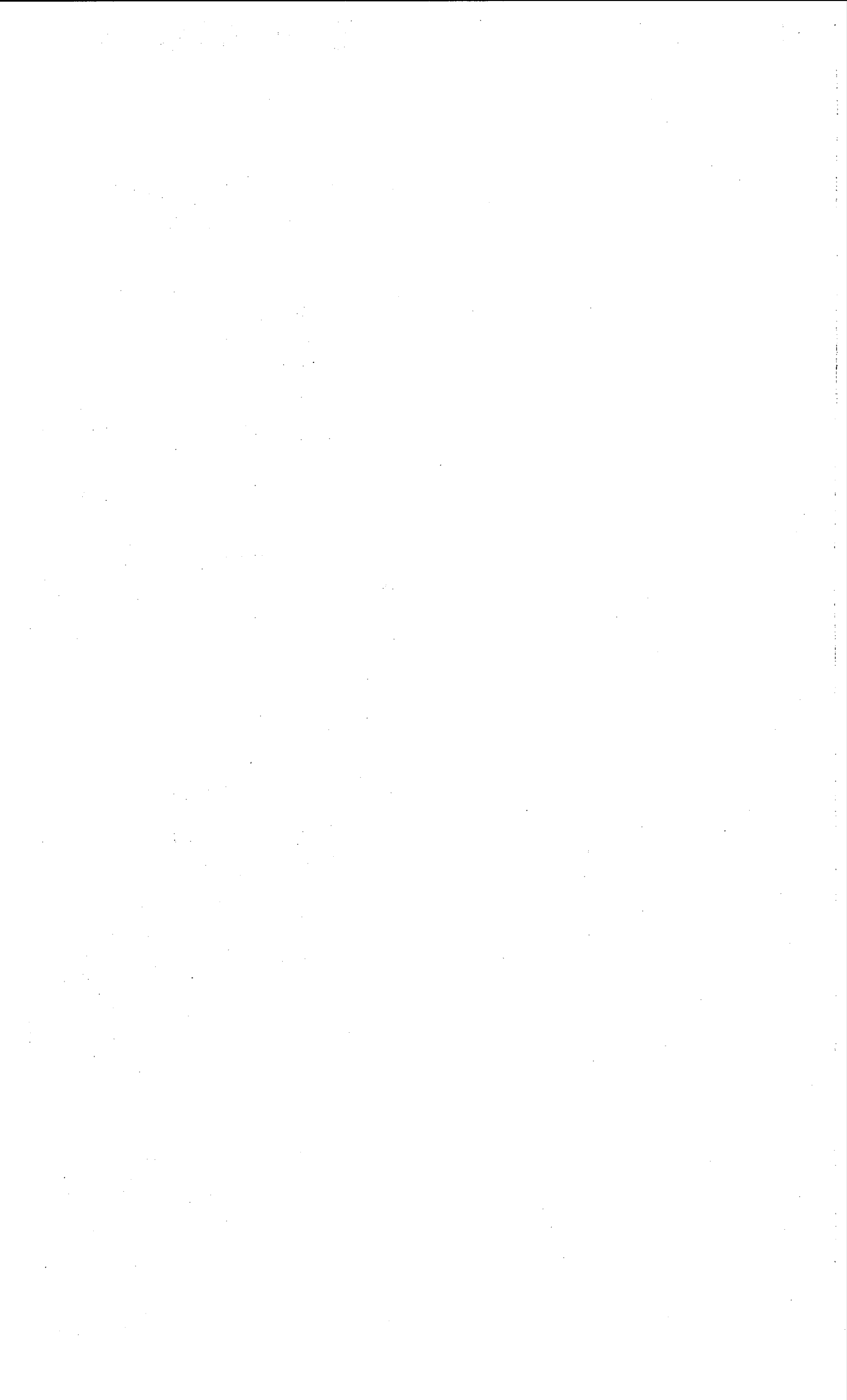
1. There must be a written daily program of scheduled activities that to provide meaningful age-appropriate experiences for the children. The scheduled activities should be designed and conducted to promote emotional, social, intellectual and physical growth; include quiet and active play, both indoors 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.





**ARTICLE X. PHYSICAL FACILITIES**

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**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.

- 2062 14. Non-vented or open flame heaters (including water heaters) and portable electrical  
2063 heaters are prohibited.
- 2064 15. As required by Florida Statute, section 790.174, as may be amended, and Florida  
2065 Administrative Code 65C-13.030 and 65C-20.010, as may be amended, a person  
2066 who stores or leaves, on a premise under his or her control, a loaded firearm, as  
2067 defined in Florida Statute, section 790.001, and who knows or reasonably should  
2068 know that a minor is likely to gain access to the firearm without the lawful  
2069 permission of the minor's parent or the person having charge of the minor, or  
2070 without the supervision required by law, shall keep the firearm in a securely locked  
2071 box or container or in a location which a reasonable person would believe to be  
2072 secure or shall secure it with a trigger lock. To the extent prohibited by Florida  
2073 Administrative Code 65C-20.010 (1)(d), no firearms or weapons as defined in  
2074 Section 790.001 Florida Statutes, shall be kept upon any person located on the  
2075 premise, excluding federal, state or local law enforcement officers.
- 2076 16. Pursuant to Chapter 386, F.S., smoking is prohibited within the facility, all outdoor  
2077 play areas, during field trips, and in vehicles when being used to transport children.  
2078 pursuant to Chapter 386, Florida Statutes, as amended or replaced.  
2079 Owners/operators shall notify custodial parents and legal guardians, in writing, that  
2080 smoking is prohibited on the premises of the child care facility.
- 2081 17. All child care facilities in Palm Beach County must comply with the same mandatory  
2082 radon testing and reporting requirements as state-licensed child care facilities  
2083 pursuant to section 404.056(4), F.S. and section 64E-5.1208(c), F.A.C., irrespective  
2084 of Palm Beach County's designation within the Department of Community Affairs'  
2085 Florida Radon Protection Map Categories.
- 2086 18. Child care facilities shall not be physically connected to domestic residences.  
2087 Facilities physically connected to domestic residences and previously approved for  
2088 such operation may continue until the facility undergoes a change in operation or  
2089 ownership. However, the non-conforming use may not be expanded.
- 2090 19. Alcoholic beverages, narcotics or other impairing drugs are prohibited on the  
2091 premises of the child care facility.
- 2092 20. All new child care facilities shall meet not less than the requirements set forth by  
2093 Section 406.1, 406.2 and 406.3, Type 5, Educational Occupancy (E) Standard  
2094 Building Code, as amended by the Florida Building Code, currently adopted edition.
- 2095 21. All child care facilities shall be located at ground level (street level), unless approved  
2096 otherwise by the Building and Fire authorities having jurisdiction.
- 2097 22. Pursuant to Florida Statutes § 402.305(5), school age programs operated in public  
2098 school facilities, regardless of the operator, shall follow the standards set forth by  
2099 the Florida Building Code State Requirements for Public Educational Facilities with  
2100 the caveat that access to play areas be deemed safe by the Department, pursuant  
2101 to Article X(C)(3) of these rules. In addition, where multiple school age child care  
2102 programs are operated in a public school, the programs shall not be commingled.
- 2103 23. School age child care facilities in public schools shall comply with applicable fire and  
2104 life safety codes pursuant to Chapter 69A-58, Fire Safety Standards For Educational  
2105 and Auxiliary Facilities, as amended or replaced.
- 2106 24. All child care facilities (electrical installation, plumbing, etc.) must conform to all  
2107 applicable municipal and county building, fire and zoning codes.
- 2108 25. Child care facilities shall be located on well-drained sites and shall be easily  
2109 accessible. They shall not be located where excessive noise, odors, dust, smoke,  
2110 traffic or other unsafe or harmful environmental elements interfere with the  
2111 children's comfort and safety.

- 2112 26. The building and property shall be free from fire hazards, including lint or dust build-  
 2113 up in heating and air conditioning vents, filters, exhaust fans, ceiling fans, and dryer  
 2114 vents. Improper storage of flammable or combustible materials, and unnecessary  
 2115 materials or equipment shall be prohibited.
- 2116 27. All openings to the outer air shall be effectively screened. When the windows or  
 2117 doors are open, buildings must have and maintain screens to prevent entrance of  
 2118 insect or rodent. Seals, gaskets, or casings around windows and doors must be free  
 2119 from gaps or openings that will allow the entry into the building of insects and  
 2120 rodents when the doors or windows are closed. Crawl spaces and soffit vents shall  
 2121 be screened to prevent the entry of rodents and other vermin.
- 2122 28. Floors shall have washable, easily cleanable surfaces. Floors subject to flood  
 2123 washing shall be provided with floor drains.
- 2124 29. Walls and ceilings of all rooms shall be kept clean and in good repair. Toilet room  
 2125 walls shall be of impervious material or shall be painted with enamel paint to splash  
 2126 level.
- 2127 30. There shall be a sanitary storage space for cots and equipment if a separate  
 2128 sleeping room is not provided, and adequate individual storage space provided for  
 2129 each child's personal belongings. Sleepmats shall be stored at a minimum of six (6)  
 2130 inches off the floor, and in a clean and orderly manner.
- 2131 31. Adequate on-site laundry facilities are to be provided as necessary: In facilities not  
 2132 providing specialized care for mildly ill children, on-site laundry facilities may be  
 2133 used provided that there is added one quarter cup of bleach per gallon of water to  
 2134 the final rinse cycle of the wash, in an effort to eliminate children's exposure to  
 2135 disease microorganisms. Arrangements with a commercial laundry are acceptable  
 2136 for such facilities. Facilities providing specialized care for mildly ill children shall not  
 2137 utilize an on-site laundry. In a facility that provides care for both well children and  
 2138 mildly ill children, linens and laundry activities for these programs shall be separate.
- 2139 32. A well-lighted and ventilated dining area shall be provided. Tables, benches, and  
 2140 chairs shall be of a convenient size and well constructed.
- 2141 33. All rooms shall be ventilated by windows or mechanical means sufficiently to  
 2142 prevent all objectionable odors and excessive condensation, and in such a manner  
 2143 as to avoid direct drafts on the children. All windows, which can be opened, and  
 2144 doors which may be left open, shall be provided with a mesh fly screen. Screens are  
 2145 not required for open air classrooms and picnic areas.
- 2146 34. The premises, both inside and out, shall be maintained in a clean and sanitary  
 2147 condition, free of insects and rodents, and in good repair at all times.
- 2148 35. Pest control shall not take place while rooms are occupied by children or during  
 2149 hours of operation of the child care facility.
- 2150 36. Stairways with a series of steps of three (3) or more must have hand-rails on each  
 2151 side and be equipped with non-skid treads.
- 2152 37. Electric fans shall be permanently installed, screened and out of the children's  
 2153 reach.
- 2154 38. All electrical outlets shall be capped when not in use.
- 2155 39. Fire extinguishers, as required by the Fire Authority having jurisdiction, shall be  
 2156 provided.

- 2157 40. Fire drills shall be conducted periodically, but not less than every month. A fire plan  
2158 shall be posted conspicuously in each occupiable room, hallway or area, and near  
2159 each telephone.
- 2160 41. Extension cords shall not be used as permanent wiring.
- 2161 42. Power cords from appliances shall not be readily accessible to children.
- 2162 43. The use of safety glazing materials in all glass doors, tubs, shower enclosures and  
2163 other hazardous locations, shall comply with Florida Statutes, §§ 553 Part III, as  
2164 amended or replaced and Chapter 24 "Glass" Florida Building Code, currently  
2165 adopted edition.
- 2166 44. There shall be an adequate supply of potable water, meeting the applicable quality  
2167 standards of Chapters 62-550, 62-555, and 64E-8, Florida Administrative Code, as  
2168 amended or replaced, and standards of Palm Beach County, as adopted under Palm  
2169 Beach County Environmental Rule II.
- 2170 45. All sewage shall be centrally collected and disposed of as required by Chapter 64E-  
2171 6, Florida Administrative Code, as amended or replaced, and Palm Beach County  
2172 Environmental Control Rule I as amended or replaced.
- 2173 46. There shall be a mop sink or janitorial sink available in all child care facilities.
- 2174 47. All child care facilities shall subscribe to a garbage collection service and comply with  
2175 Chapter 62-701, Florida Administrative Code, as amended or replaced.
- 2176 48. Each child care facility shall have at least one (1) approved drinking fountain for  
2177 each thirty (30) children or provide a potable water supply with a dispenser and  
2178 disposable cups.
- 2179 (a) Bubblers type fountains or any arrangement whereby water falls back on the  
2180 mouthpiece shall not be used.
- 2181 (b) The water jet shall be adjusted so that water clears the mouthpiece but  
2182 does not splash on floor or wall.
- 2183 (c) The drain from the fountain shall not have a direct physical connection to a  
2184 waste pipe unless the drain is trapped.
- 2185 (d) All drinking fountains shall be cleaned at least daily with a germicidal or  
2186 bacteriostatic cleaner containing no objectionable odor.
- 2187 (e) The mouthpiece, basin and exterior shall be effectively cleaned and  
2188 sanitized at least daily.
- 2189 (f) The floor and wall adjacent to the fountain shall be kept dry and clean.
- 2190 (g) Disposable cups shall not be reused.
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- 2199 49. Exits from the facility shall open onto safe, protected, fenced areas, or shall have  
2200 active, audible alert mechanisms to alert staff as to when such doors are opened.  
2201 This requirement is separate and apart from the fencing requirement in Article X (C)  
2202 herein.  
2203
- 2204 50. Control Point: For security purposes, the facility shall be configured to have a central  
2205 control point to monitor persons entering or leaving the facility. Alternatively, the  
2206 facility shall have a written plan for the control of persons entering and leaving the

2207 facility. Such plan shall be maintained on site at the facility, and shall be available to  
2208 the Department for review upon request.

2209 51. For each child in care, there shall be a minimum of thirty-five (35) square feet of  
2210 usable indoor space as herein defined. Useable indoor floor space is calculated by  
2211 measuring at floor level between interior walls and by deleting space for stairways,  
2212 hallways, toilets and bath facilities, permanent fixtures and non-moveable furniture.  
2213 Kitchens, offices, laundry rooms, storage areas and other areas not used by children  
2214 in normal day-to-day operations are not included when calculating useable indoor  
2215 floor space.

2216 a. Indoor recreation facilities must have, at a minimum, 3,000 square feet of  
2217 usable indoor floor space designated for indoor play or fitness activities.  
2218 Such designated indoor play space shall be in addition to the minimum  
2219 thirty-five (35) square feet per child of useable space per child licensed  
2220 capacity.  
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2222 B. Outdoor play areas.

2223 1. There shall be a minimum of 75 square feet of outdoor play area per  
2224 non-infant child, for at least one-half of the total number of non-infant  
2225 children for which the center is licensed. However, a child care facility  
2226 shall not have less than 1500 square feet of outdoor play area.

2227 2. There shall be a minimum of 45 square feet of outdoor play area per  
2228 infant, for at least one-half of the total number of infants for which the  
2229 facility is licensed.

2230 3. At no time should the number of children using the outdoor play area  
2231 result in a reduction of the available space per child below the  
2232 minimum space required, as set forth above. Split shifts may be used  
2233 to ensure that space requirements are maintained during the use of  
2234 outdoor play areas.

2235 4. Any proposed changes to the outdoor play area of an existing child  
2236 care facility shall be reviewed and approved in writing by the local  
2237 zoning, building, and fire departments having jurisdiction. Verification  
2238 of this review and approval should be documented on a form  
2239 prescribed by the Department.  
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2241 5. All outdoor play areas must be enclosed by safe and adequate fencing, wall or a  
2242 combination thereof, of no less than four (4) feet high. Fencing, including gates,  
2243 shall be maintained and shall not have gaps that would allow children to exit the  
2244 outdoor play area. The base of the fence must remain at ground level, free from  
2245 erosion or build-up, to prevent children leaving the play area by easily climbing over  
2246 the fence or crawling under the fence, and to prevent access by animals.  
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2248 6. Outdoor play areas shall be located on facility property and shall be immediately  
2249 adjacent to the building or accessible by a route free from safety hazards, including  
2250 but not limited to water hazards electrical equipment, and busy roadways. For new  
2251 or extensively remodeled facilities, or upon a change of ownership, access to play  
2252 areas from the facility must be protected by a continuous wall or fence no less than  
2253 four (4) feet high.  
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2255 a. Classrooms serving infants shall have direct access to the outdoor infant play  
2256 areas.  
2257 b. School aged child care facilities shall provide safe access to play areas.  
2258 Access shall be evaluated on a case-by-case basis by the Department and  
2259 shall be deemed safe if the determination is appropriate. In school age child  
2260 care programs located in public school sites, where the Department deems  
2261 that safe access to the fenced play area cannot be provided, including, but

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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. The outdoor play area shall be clean, free of litter, nails, glass and other hazards.
8. Outdoor play area shall provide both sun and shade.
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, 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 6<sup>th</sup> 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.

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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 machine washable, in safe condition, and stored in an orderly sanitary manner.
5. Linen must be provided when children are sleeping, and pillows and blankets must be available when appropriate.
6. Linens, when not in use, must be stored in a sanitary manner which prevents the spread of germs or lice from other linens.
7. A minimum distance of eighteen (18) inches must be maintained around individual napping and sleeping spaces. Napping space shall not be under furniture or against furniture that may create a hazard. Exit areas must remain clear in accordance with fire safety regulations.
8. No double or multi-decked cribs, cots or beds shall be used. As of December 29, 2012, the use of drop-side cribs is prohibited.
9. Infants up to one (1) year must rest or nap individually in their own crib. Bar spacing may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations, as amended or replaced.
10. Pillows and sleep positioners in infants' cribs are prohibited. Blankets, if used, shall be arranged so that infants' upper bodies remain visible to staff at all times. Crib bumpers and crib bumper pads shall not be used.
11. When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their backs and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. This documentation shall be maintained in the child's record.

D. Toilet and bath facilities.

1. When in operation, each child care facility shall be provided with conveniently located toilet and bath facilities for the exclusive use of the child care facility.
2. Newly constructed and extensively renovated facilities shall satisfy the bathroom ratios as specified in the Florida Building Code, currently adopted edition.
3. Lavatories may be located immediately adjacent to toilet rooms. Lavatories in kitchens and infant rooms are to be supplied with hot and cold running water.
4. Existing facilities previously approved to have a minimum of two (2) toilet rooms, each with a commode and lavatory sink supplied with running water, with an additional bathroom with toilet and lavatory for each additional thirty (30) children or fraction thereof, may continue as approved, subject to the building authority having jurisdiction.
5. Existing facilities going through change of ownership or capacity increase not involving extensive renovation, may continue as previously approved, subject to the Building and Fire departments having jurisdiction. Such facilities shall

- 2380 provide written verification of approval from these agencies to continue at  
 2381 the lower toilet/lavatory ratio on a form as prescribed by the Department.  
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- 2383 6. All toilet seats shall be of the open front type.
  - 2384
  - 2385 7. Soap and towel dispensers shall be provided at all lavatories and liquid or  
 2386 powdered soap shall be used.
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  - 2388 8. No toilet room may open into a room in which food is prepared.
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  - 2390 9. Newly constructed facilities, extensively renovated facilities, or facilities  
 2391 providing a change in service, including change of ownership, must provide a  
 2392 sink supplied with hot (not to exceed 110 degrees Fahrenheit) and cold  
 2393 running water, soap and towel dispenser and a diaper changing table with an  
 2394 easily cleanable impervious surface for children who are over twenty-four  
 2395 (24) months of age and are not toilet trained.
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  - 2397 a. The hand wash sink shall be immediately adjacent or in close proximity to  
 2398 the diaper change table, shall be at adult height (rim at 32 – 34 inches  
 2399 above the floor surface) not be accessible to for use by children, and shall  
 2400 be used exclusively for staff's hand washing following diaper changing  
 2401 activities.
  - 2402 b. This diaper change area shall be located in the classroom, an adjoining  
 2403 toilet room, or area designated for two (2) year olds.
  - 2404 c. A plastic lined waste receptacle with a close-fitting lid, which is not  
 2405 accessible to children, shall be provided for the disposal of soiled diapers.  
 2406 This shall be emptied and sanitized at least daily.
  - 2407
  - 2408 10. Where the indoor play space also serves as the dining area, and the children  
 2409 are closely supervised while using toilet and bath facilities, a toilet facility  
 2410 may open directly into areas where food is served.
  - 2411
  - 2412 11. Toilets, bath facilities, and wash basins shall be easily accessible, and at a  
 2413 height usable by the children. Platforms are acceptable when safely  
 2414 constructed, with an impervious surface that can be easily cleaned and  
 2415 disinfected.
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  - 2417 12. Each basin and toilet must be maintained in good operating condition, and  
 2418 cleaned and disinfected at least daily or more frequently as needed.
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  - 2420 13. At least one (1) portable or permanent bath facility shall be available for  
 2421 bathing children. The portable or permanent bath facility shall be cleaned  
 2422 and must be sanitized or disinfected after each use.
  - 2423 14. Running water, dispensers containing toilet paper, disposable towels, and  
 2424 liquid or powdered soap, and trash receptacles shall be available and within  
 2425 reach in all bathrooms, including those designated for staff use. Hand drying  
 2426 machines are prohibited for use in bathrooms designated for children.
  - 2427
  - 2428 15. Adult lavatories and toilet facilities must be provided and separated from  
 2429 those used by children in child care facilities at the time of construction,  
 2430 renovation or change of ownership. Adults shall not use lavatories and toilet  
 2431 facilities designated for children's use. Hand drying machines that are  
 2432 properly installed and maintained in good working order may be used instead  
 2433 of towels in bathrooms designated for staff use.
  - 2434
- 2435 E. Isolation areas.
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  - 2437 1. A suitable isolation room or area, adequately ventilated and heated, shall be  
 2438 provided for the temporary isolation of children with communicable diseases or who



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are displaying signs of illness and are waiting to be picked up by the parent or guardian. This room or area is to be located so that the sick child has easy and quick access to hand washing and toilet facilities.

2. 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 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.

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, Uniform Standards for Life Safety and Fire Prevention in Child Care 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 Department.
2. There shall be at least one (1) operable landline or Voice over Internet Protocol (VoIP) telephone 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 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. 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.

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

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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. The plan must be posted conspicuously in each room of the facility.
4. Emergency Preparedness Plan: Each facility shall develop a written Emergency Preparedness Plan to include, at a minimum, procedures to be taken by the child care facility during fire, lockdown, evacuation of the area, and inclement weather. The plan shall identify weather conditions requiring action and supply a response appropriate to the weather condition. Each plan shall specifically

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

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G. Additional Requirements for Infant care.

1. The care of infants shall be conducted in a separate room with hand washing facilities supplied with hot (not to exceed 110 degrees Fahrenheit) and cold running water (diaper changing sink), soap and paper towel dispensers and a diaper changing table with an easily cleanable impervious surface.
2. The diaper change hand wash sink shall be immediately adjacent or in close proximity to the diaper change table and shall not be accessible to children.
3. The infant room ~~is to~~ shall have, at a minimum, two (2) exits, one (1) opening directly to the outside. In the event of change of in ownership, any new construction, extensive renovation, relocation or addition of an infant room in which care is to be provided to infants older than 12 months, the facility shall provide a child size commode and lavatory which shall be in, across from or adjacent to the infant room. The commode and lavatory are to be solely for infant use.
4. In facilities that provide only infant care, there need be only one (1) commode plus two (2) lavatories, supplied with hot and cold running water for each thirty (30) infants or fraction thereof. The number of bathrooms required is subject to the county or municipal building department having jurisdiction.
5. Potty chairs, if used, shall be in addition to the toilet requirements, and shall be cleaned and sanitized or disinfected after each use.
6. When infants or children in diapers are in care, a diaper changing table with an impermeable surface shall be provided. The diaper changing surface shall be replaced or cleaned with a sanitizing solution after each use. If a disposable, impervious covering is used, this covering shall be properly discarded after each use.
7. The diaper changing area shall be located separate from the food preparation, food service, and feeding areas. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area, nor shall they be placed on the diaper changing table. The diaper changing sink shall not be used for washing, rinsing, or storing bottle or other food utensils.
8. There shall be an adequate supply of clean diapers, clothing and linens at all times. Wet or soiled clothing and linens shall be changed promptly.
9. Soiled disposable diapers shall be disposed of stored in a plastic lined secured covered container which is not accessible to children. The container shall be emptied and sanitized or disinfected at least daily.
10. Soiled, reusable diapers shall be emptied of feces in the toilet and placed in a secured covered container which is not accessible to children. The container shall be emptied and sanitized or disinfected at least daily.
11. In the event of a change in ownership, any new construction, renovation of an infant room, or change of use to an infant room, a service utensil sink shall be installed in the infant room. The service utensil sink shall be separate from the diaper changing sink, located outside the diaper changing area, and shall be provided with hot and cold running water. The service utensil sink shall not be used for handwashing or any other activities related to diaper changing, and shall not be accessible to children.

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

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

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

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- 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

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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.

- 2760 | 6. Meals and snack menus shall be planned, written and posted at the beginning of  
2761 | each week. Menus shall be dated and conspicuously posted on a weekly basis in the  
2762 | food service area and accessible to parents. Any menu substitution shall be posted  
2763 | and entered on a log book used for this purpose.  
2764 |
- 2765 | 7. Infants shall be individually fed or supervised at feeding and offered foods  
2766 | appropriate for their age. Formula and beverage shall be prepared, individually  
2767 | labeled and capped by the parent. Alternatively, formula and beverage for infants  
2768 | may be prepared, labeled and capped by the facility staff. Where the facility  
2769 | provides the formula and beverage, only pre-mixed, ready-to-feed formula and  
2770 | beverage may be utilized, and the facility shall meet the requirements as set forth in  
2771 | Article XI of these rules. The child care facility shall refrigerate and handle the  
2772 | formula and/or beverage in a sanitary manner. There shall be no propped bottle for  
2773 | infants and no mechanical devices used for feeding.  
2774 |
- 2775 | Cereal shall not be mixed with formula in infant bottles unless directed by a  
2776 | physician. The physicians order shall be kept in the child's file.  
2777 |
- 2778 | 8. Microwave ovens shall not be used for directly warming bottles. Microwave ovens may  
2779 | be used to warm water in a separate container for placing the bottle in the heated  
2780 | water to obtain a safe and desired temperature, provided that the container of water is  
2781 | no more than one hundred and twenty (120) degrees Fahrenheit. Alternatively, bottles  
2782 | and infant foods may be warmed under running warm tap water.  
2783 |
- 2784 | If a slow-cooking device, such as a crock pot is used for warming infant formula, human  
2785 | milk, or infant food, this slow cooking device shall not be accessible to children, shall  
2786 | contain water that does not exceed one hundred and twenty (120) degrees Fahrenheit,  
2787 | and shall be emptied, sanitized, and refilled with fresh water at least daily. After  
2788 | warming, bottles and heated foods shall be mixed gently and the temperature of the  
2789 | contents tested before feeding to prevent injury to children. A caregiver shall not hold  
2790 | an infant while removing a bottle or infant food from the container of warm water or  
2791 | while preparing a bottle or stirring infant food that has been warmed. All  
2792 | cooking/warming devices shall be inaccessible to children.  
2793 |
- 2794 | 9. Facilities shall provide sufficient seating at tables, such as chairs and benches, so that all  
2795 | children while eating can sit at tables for meal time and snack time.  
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2797 **ARTICLE XIII. MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES**

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2799 **A. First aid.**

- 2800  
2801 1. At least one first aid kit must be maintained on the premises of the child care  
2802 facility at all times. Child care staff must take a first aid kit with them on all  
2803 field trips. A first aid kit must be in the vehicle at all times during  
2804 transportation of children.
- 2805 2. Each first aid kit shall be in a closed container, labeled "First Aid," and kept in  
2806 a designated location where it is easily accessible for child care personnel.
- 2807 3. Each first aid kit must, at a minimum, contain soap, band-aids or equivalent,  
2808 sterile gauze squares and rolls, cotton balls or applicators, adhesive tape,  
2809 thermometer, tweezers, blunt tipped scissors, pre-moistened wipes, a  
2810 minimum of four (4) disposable medical examination gloves maintained in a  
2811 puncture proof protector, and. a current resource guide on first-aid and CPR  
2812 procedures.
- 2813 4. Any child showing symptoms of illness during the day shall be removed from  
2814 the group to the isolation area where the child shall receive necessary  
2815 attention until the child is ready to return to the group.  
2816

2817 **B. Emergency procedures.**

- 2818  
2819 1. Written permission for emergency health care or treatment of the child must be  
2820 obtained from the parent, including the names, addresses and telephone numbers of  
2821 the child's physician, the hospital-of-choice to be called in case of emergency and  
2822 three (3) responsible adults the operator can contact in case the parents are not  
2823 available.
- 2824 2. Custodial parents or legal guardians shall be notified immediately in the event of any  
2825 serious illness, accident, injury or emergency to their child, and their specific  
2826 instructions regarding action to be taken under such circumstances shall be  
2827 obtained, followed, and documented in the child's file. If the custodial parent or  
2828 legal guardian cannot be reached, the operator shall contact those persons  
2829 designated by the custodial parent or legal guardian on the enrollment form.
- 2830 3. Child care personnel must call 911 immediately in the event a child sustains any  
2831 serious injury, illness, accident, or other emergency, such as the child being missing.
- 2832 4. All accidents and incidents which occur at a facility or while a child is in the care of  
2833 the facility staff must be documented on the day they occur. This documentation  
2834 must be shared with the custodial parent or legal guardian on the date of  
2835 occurrence. Documentation shall include the name of the affected party, date and  
2836 time of occurrence, description of occurrence, actions taken and by whom, and  
2837 appropriate signatures of facility staff and custodial parent or legal guardian. The  
2838 documentation must be maintained for one year. If the parent or legal guardian  
2839 does not pick up the child on the date of occurrence of the accident or incident, the  
2840 individual authorized to pick up the child must sign and be provided a copy of the  
2841 accident/incident form.
- 2842 5. Any unusual incident involving the child which may be reasonably construed to  
2843 constitute abuse and/or neglect shall be reported to the Abuse Hotline at 1-800-96  
2844 ABUSE immediately, and to the Department within twenty-four (24) hours of  
2845 occurring. In addition, child care personnel who know, or have reasonable cause to  
2846 suspect, that a child is abused, abandoned, or neglected by a parent, legal  
2847 custodian, caregiver, or other person responsible for the child's welfare shall report  
2848 such knowledge or suspicion to the Abuse Hotline, local law enforcement, and to the  
2849 Department.
- 2850 6. Acts or omissions that meet the definition of child abuse or neglect provided in  
2851 Chapter 39, Florida Statutes, constitute a violation of these rules and regulations,  
2852 and shall support imposition of a sanction, as provided in Article XXI.  
2853

2854 Z. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201,  
2855 F.S., constitutes a violation of these rules and regulations.  
2856

2857 **C. Medication.**  
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2859 For child care facilities that administer medication to children in care, the following  
2860 shall apply:

- 2861 1. Only prescription medication is to be administered by the child care facility.
- 2862 2. Prescription medication brought to the child care facility by the custodial  
2863 parent or legal guardian must be in the original container. Prescription  
2864 medication must have a label showing the name of the physician, child's  
2865 name, name of the medication, dosage, and other medication directions. All  
2866 prescription medication shall be dispensed according to written directions on  
2867 the container label.
- 2868 3. The facility must have written authorization from the custodial parent or legal  
2869 guardian to dispense prescription medication. The written authorization  
2870 must be dated and signed by the custodial parent or legal guardian, and  
2871 must contain the child's name, the name of the medication to be dispensed;  
2872 and the date, time, method of administration, and dosage to be given.
- 2873 4. The facility must maintain a record for each child receiving medications that  
2874 documents the full name of the child, the name of medication, the date and  
2875 time the medication was dispensed, the amount and dosage, and the name  
2876 of the person who dispensed the medication. This record shall be initialed by  
2877 the child care personnel who administered the medication. The record shall  
2878 be maintained for a minimum of four months after the last day the child  
2879 received the dosage.  
2880
- 2881 5. Medications shall have child resistant caps unless otherwise provided by the  
2882 pharmacy or manufacturer.  
2883
- 2884 6. Medications, shall be plainly labeled and stored in an orderly fashion in a key  
2885 locked cupboard, box, or cabinet.  
2886
- 2887 7. Medications for external use only shall be kept in a separate key locked box  
2888 cabinet, or area which is inaccessible to children. They shall be stored in  
2889 such a way to prevent possible contamination.  
2890
- 2891 8. Medication which has expired or is no longer being administered shall be  
2892 returned to the custodial parent or legal guardian.  
2893

2894 **D. Topical non-medicated physical barriers.**  
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2896 Physical barrier lotions, ointments and creams such as sunscreen, insect repellent, and  
2897 diaper ointments are generally not medications. If the facility elects to allow use of these  
2898 items, the facility must meet the following requirements:

- 2899 1. Have a written policy governing their use. Parents must be made aware of such policy  
2900 and have knowledge of its content. Such policy must include a requirement for written  
2901 parental consent for application of a non-medicated physical barrier.
- 2902 2. Obtain written authorization from the parent or legal guardian for applying the topical  
2903 substance to a child.
- 2904 3. Any written authorization and verification that the parent or guardian is aware of the  
2905 policy must be documented in the child's file.  
2906

2907 **ARTICLE XIV. COMMUNICABLE DISEASE CONTROL**

2908  
2909 A. Communicable diseases in children.  
2910

2911 Any child who is suspected of having a communicable disease or who exhibits other signs  
2912 and symptoms which include any of the following, shall be placed in an isolation area, and  
2913 the condition shall be reported to the parent or guardian or other person authorized by the  
2914 parent, and the child shall be removed from the facility as soon as possible. Such children  
2915 can return to the child care facility when the following signs and symptoms are no longer  
2916 present:  
2917

- 2918 1. Severe coughing, causing the child to become red or blue in the face or to make  
2919 whooping sound;
- 2920 2. Difficult or rapid breathing;
- 2921 3. Stiff neck;
- 2922 4. Diarrhea (more than one (1) abnormally loose stool within a twenty-four-hour  
2923 period);
- 2924 5. Temperature of one hundred (100) degrees Fahrenheit or higher taken by the  
2925 axillary method, especially when in combination with any other sign or illness;
- 2926 6. Conjunctivitis (pink eye);
- 2927 7. Untreated infectious skin patch(es);
- 2928 8. Unusually dark urine and/or gray or white stool and yellowish skin or eyes;
- 2929 9. Vomiting;
- 2930 10. Pediculosis (head lice, nits); or
- 2931 11. Any other unusual sign or symptom of illness.

2932  
2933 Alternatively, such children who would normally be excluded from child care, may be  
2934 admitted to facilities which provide specialized child care for mildly ill children, provided  
2935 that the criteria set forth in Article XV (F) of these rules are met. Exception: A child who  
2936 has head lice shall not be permitted to return until treatment has occurred. Treatment  
2937 shall include the removal of all lice, lice eggs, and egg cases (nits).  
2938

2939 B. Communicable diseases in employees and volunteers.  
2940

2941 Anyone who is a carrier of a communicable disease, or who develops signs and symptoms  
2942 of a communicable disease which include, but are not limited to, any of the signs and  
2943 symptoms described in Section A above shall be isolated from other individuals and not  
2944 return until the signs and symptoms are no longer present.  
2945

2946 C. Communicable disease outbreaks.  
2947

- 2948 1. Notification: Operators shall immediately notify the Department of any  
2949 suspected outbreak of notifiable disease or other disease condition as per  
2950 Chapter 64D-3, Florida Administrative Code, as amended or replaced. A  
2951 suspected outbreak occurs when two (2) or more children or employees have  
2952 the onset of a similar sign or symptoms (such as diarrhea, rash, etc.) within a  
2953 seventy-two (72) hour period or when one (1) or more cases of a serious  
2954 communicable disease, which includes, but is not limited to, hepatitis, measles,  
2955 meningitis, diphtheria, German measles (rubella), whooping cough,  
2956 tuberculosis, chicken pox, mumps, Salmonella, Shigella, Campylobacter, or  
2957 Giardia intestinal infection is diagnosed or suspected in a child or employee.  
2958
- 2959 2. Communicable disease emergency: The presence of any notifiable  
2960 communicable disease shall permit the Director of the Department to declare a

2961 communicable disease emergency. The declaration of said emergency shall  
2962 mandate that health and immunization records of all children in attendance and  
2963 all employees be made available for inspection. The Director of the Department  
2964 shall have the authority under Florida Statutes § 381.031, as amended or  
2965 replaced, to require appropriate action to prevent the spread of such disease.  
2966 This authority includes, but is not limited to, prohibiting attendance by a child or  
2967 employee, restricting new admissions, or requiring immunization and is in  
2968 keeping with recognized standards of medical and public health practice. In the  
2969 event of non-compliance with the actions requested, the Director of the  
2970 Department shall have the authority to quarantine the affected facility.  
2971

2972 **D. Appropriate Sanitizers**

- 2973
- 2974 1. The Department recommends the use of chlorine bleach, appropriately  
2975 diluted as an effective sanitizing agent. This solution shall be made by  
2976 adding one (1) tablespoon of bleach to a quart of water, or one (1)  
2977 quarter cup of bleach to a gallon of water. This solution shall be made  
2978 fresh daily, with unused portions disposed of at the end of each day. This  
2979 recommended bleach solution assumes use of bleach containing 5.25  
2980 percent sodium hypochlorite. Bleach with higher or lower concentrations  
2981 of sodium hypochlorite will require different proportions of bleach and  
2982 water to produce an effective sanitizing solution.
  - 2983 2. Other sanitizing or disinfecting agents may be used in accordance with the  
2984 manufacturer's specifications, provided that such use renders the items  
2985 ninety nine per cent (99.9%) germ free, and leaves no toxic residue.  
2986 Where such alternative sanitizing agents are used, the facility shall obtain  
2987 and keep on hand at the facility appropriate Material Safety Data Sheets  
2988 (MSDS) for those products.
  - 2989 3. Sanitized items may be wiped dry with clean cloth or paper towel or  
2990 allowed to air dry. Application of a sanitizer is not a substitute for routine  
2991 cleaning. Effective sanitization requires prior cleaning or washing of  
2992 surfaces to remove visible dirt.  
2993

2994 **E. Influenza Prevention**

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2996 Annually, during the months of August and September, the child care  
2997 facility director must provide parents with information detailing the  
2998 causes, symptoms, and transmission of the influenza virus. To assist  
2999 providers DCF developed a brochure, CF/PI 175-70 , June 2009, Influenza  
3000 Virus, Guide to Parents, which may be obtained from the DCF's website at  
3001 [www.myflorida.com/childcare](http://www.myflorida.com/childcare)  
3002

3003 **ARTICLE XV. ADMISSION, ASSESSMENT, AND RECORD KEEPING**

3004  
3005 A. Access to records.

3006  
3007 At all times during operating hours a facility must allow the Department access to  
3008 records required to be made or kept by these rules and regulations. This includes  
3009 records for personnel, children and the facility. Copies of the required records are  
3010 acceptable for documentation. Original documents are the property of the party  
3011 providing the information.

3012  
3013 B. Enrollment information.

3014  
3015 Prior to providing care to a child, the operator shall obtain, update and keep current at  
3016 the facility the following enrollment information from the child's parent or guardian, on  
3017 CF-FSP 5219, Child Day Care Application for Enrollment form, effective March 2009, or  
3018 an equivalent form.

- 3019  
3020 1. The child's full legal name, birth date, current address and preferred name.
- 3021  
3022 2. The name and address of the parents or guardians.
- 3023  
3024 3. Telephone numbers or instructions as to how the parent may be reached during  
3025 the hours the child is in the facility.
- 3026  
3027 4. Names, addresses, and telephone numbers of persons sixteen (16) years of  
3028 age or older authorized by the parent to take the child from the child care  
3029 facility, and persons to be contacted who are authorized to remove the child  
3030 from the facility in case of illness, accident or emergency if for some reason  
3031 the parents cannot be reached.
- 3032  
3033 5. The facility shall obtain written authorization from the parent or guardian to  
3034 seek emergency medical treatment should the need arise. The name,  
3035 address, and telephone number of a physician or health resource that can be  
3036 called in case of emergency, and the parent's written permission to consult  
3037 that physician or health resource if the parents cannot be reached.
- 3038  
3039 6. If the child's condition requires it, a written plan must be on file at the child  
3040 care facility. This plan will be developed with a cooperative effort between  
3041 the child's parents, the operator and the supervising physician and/or other  
3042 specialist. This plan shall specify the special needs and the special provisions,  
3043 which will be made to meet the needs of the child in compliance with state  
3044 and federal regulations.
- 3045  
3046 7. The child's parent shall provide written consent before a child may  
3047 participate in activities conducted by a child enrichment service provider that  
3048 are not part of the regular program of the child care facility.
- 3049  
3050 8. If the parent or legal guardian notifies the facility of any known allergies,  
3051 written documentation shall be maintained in the child's file. In addition,  
3052 such information shall be shared with the child's caregivers. Food allergies  
3053 and special food restrictions must be posted in a conspicuous location.
- 3054  
3055 9. Signed statements that the child care facility has provided the following  
3056 information to parents:
- 3057  
3058 (a) The "Know Your Child Day Care Center" child care facility brochure  
3059 (CF/PI #175-24, English version or CF/PI #175-25, Spanish version) or  
3060 the applicable local licensing agency's brochure. The statement included

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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

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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 15<sup>th</sup> 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

3179 parent's photo- identification bearing current address. The facility shall  
3180 ascertain from the parent that the address provided is correct. This shall be  
3181 kept on record at the facility for a minimum of six (6) months.  
3182

3183 D. Personnel records.  
3184

3185 Personnel records shall be maintained at the child care facility, and kept current for the  
3186 owner/operator, each employee of the facility, volunteers and substitutes. These records  
3187 shall include:  
3188

- 3189 1. An application including name, address and telephone numbers.  
3190
- 3191 2. Reports of the required health examinations and tests (TB risk assessment  
3192 and/or skin test, or Chest X-ray; and physical examination).  
3193
- 3194 3. Person to contact in an emergency.  
3195
- 3196 4. Position and date of employment.  
3197
- 3198 5. Statement that the employee has completed the training in the identification  
3199 and reporting of child abuse and neglect and understands the statutory  
3200 requirements for professionals' reporting of child abuse and neglect. A copy  
3201 of the department's form EHE-DC-009: Child Abuse & Neglect Reporting  
3202 Requirements shall be read and signed at least annually by each child care  
3203 personnel, and maintained in the personnel record.  
3204
- 3205 6. Appropriate documentation that the person has been screened as specified  
3206 herein, and in accordance with Chapter 435, Florida Statutes, as may be  
3207 amended or replaced.  
3208
- 3209 7. Copies of credentials and training information recorded on designated  
3210 training forms that are provided by the Department.  
3211
- 3212 8. Copies of driver's license and driver physical examination documentation.  
3213 The physician certification, or another form containing the same elements of  
3214 the physician certification, granting medical approval to operate the vehicle  
3215 must also be maintained in the driver's personnel file.  
3216
- 3217 9. Documentation that identified staff members have met the first aid and  
3218 infant and child cardiopulmonary resuscitation training requirement.  
3219
- 3220 10. Child care facilities must maintain written documentation of directors' and  
3221 other credentialed personnel's work schedules. Examples of written  
3222 documentation are employee timesheets, personnel work schedules, and  
3223 employment records.  
3224

3225 E. Other records:  
3226

3227 1) Attendance logs.

3228 a) Daily sign in and sign out of children shall be recorded by the child care facility  
3229 personnel or the person who drops off the child, documenting the time when each  
3230 child enters the facility or program. The custodial parent, guardian, or the  
3231 authorized person who picks up the child shall be required to sign the child out,  
3232 documenting the time the child was picked up. Persons authorized to pick up the  
3233 child should be 16 years of age or older in keeping with Article XV(B)(4) of these  
3234 rules.

3235 b) An attendance log shall be maintained for each class or group. This log must  
3236 contain the names of all children assigned to the class or group, and shall show all



- 3237 children present in the class or group, and those students absent from the class, at  
3238 any given time.
- 3239 c) To assure adherence to these rules, each child care facility, shall maintain and keep  
3240 at the facility for no less than one (1) year, a daily attendance log as well as a sign-  
3241 in/sign-out log.-
- 3242 d) Drop-in child care facilities shall also maintain a sign-in/sign-out daily  
3243 attendance log, including day, date, time of arrival and departure, and  
3244 signatures of the parent obtained at drop-off and pick-up.
- 3245 e) Child care personnel shall ensure that attendance records are complete and  
3246 accurate, since these records are important in accounting for children during  
3247 emergency evacuations and other incidents.
- 3248
- 3249 2) Record of unusual incidents.  
3250 A written record of unusual incidents affecting the program of the facility  
3251 including, but not limited to, accidental injuries to children, employees, and  
3252 volunteers must be kept on file at the facility. The written report of the incident  
3253 must be completed on the day the incident occurred, and shared with the parent  
3254 of any affected child on the same day. The record shall include the name of the  
3255 affected person, date and time of occurrence, description of event, actions taken  
3256 and by whom, as well as appropriate signatures of staff. A signature of an  
3257 affected child's parent or guardian shall be requested to verify that the parent or  
3258 guardian saw and received a copy of the incident report.
- 3259
- 3260 3) Record of fire drills.  
3261 A written record must be kept at the child care facility each month for a fire drill  
3262 showing date, number of children in attendance and time taken to evacuate the  
3263 premises, on a Fire Drill Record Form as provided by the Department. To assure  
3264 accountability of all children in the child care facility, a current daily attendance  
3265 log must accompany staff during a fire drill and in the event of an emergency  
3266 resulting in the evacuation of the child care facility. The log is to be used to  
3267 account for all children during a drill or actual evacuation. This record must be  
3268 maintained for one (1) year. Drop-in child care facilities shall be exempt from this  
3269 requirement but shall be required to have on file at the facility an emergency  
3270 evacuation plan approved by the Fire Authority having jurisdiction, and shall  
3271 maintain documentation on file of related training provided to child care facility  
3272 staff.
- 3273
- 3274 4) Menus & Food Temperature Logs:  
3275 Records of menus served shall be placed on file at the facility and kept for a  
3276 minimum of 6 months. Food Temperature logs shall be kept on file at the child  
3277 care facility for a minimum of 6 months.
- 3278
- 3279 5) Daily Schedule:  
3280 A general daily time schedule for meals, snacks, nap, indoor and outdoor periods  
3281 shall be conspicuously posted at the child care facility. Drop-in child care facilities  
3282 shall be exempt from this requirement.
- 3283
- 3284 6) Field trips:  
3285 Each facility shall keep at the facility for no less than one (1) year a copy of each  
3286 field trip manifest, parental permission slip, parental swimming consent, and such  
3287 other documents required to be retained pursuant to Article XVIII of these rules.
- 3288
- 3289 7) After School & School Age Child Care Programs - Attendance & Absentee Policy:  
3290 Attendance should be taken for all children at the beginning of the program daily.  
3291 They must be signed out upon leaving. Programs shall establish and maintain a

- 3292 written procedure for accountability when a child fails to show for the program.  
 3293  
 3294 8) Material Safety Data Sheets (MSDS)  
 3295 These shall be obtained and kept on file at the child care facility for each  
 3296 sanitizing agents that may be used instead of bleach water solutions. MSDS shall  
 3297 be kept on file for a period of twelve (12) months following the cessation of use  
 3298 of the product, should the facility revert to using bleach water solutions.  
 3299  
 3300 9) Where the child care facility utilizes bedding assignments, such record shall be  
 3301 available to the Department for review.  
 3302  
 3303 10) The most recent licensing inspection report shall be conspicuously posted in the  
 3304 reception area of the facility.  
 3305

3306 **F) Admission and Assessment for Specialized Child Care for the Mildly Ill**  
 3307 **Programs**  
 3308

3309 In addition to the admission and record keeping requirements set forth in Article XV  
 3310 (A) through (E), the following shall apply to facilities providing specialized child care  
 3311 for mildly ill children:  
 3312

3313 (1) General Requirements.

- 3314 (a) A child care facility for mildly ill children shall have at a minimum an ongoing  
 3315 agreement with a Health Provider Consultant, as defined in these rules, for  
 3316 continuing medical or nursing consultation. The health provider consultant shall  
 3317 perform the following services:  
 3318  
 3319 i. Oversee the development of written policies and procedures.  
 3320 ii. Review, approve, and update annually, such policies and procedures.  
 3321 iii. Provide at least quarterly on-site monitoring of the implementation of such  
 3322 policies and procedures.  
 3323 iv. Provide ongoing consultation to the child care facility in its overall  
 3324 operation and management.  
 3325  
 3326 (b) A child care facility for mildly ill children shall have at a minimum one (1)  
 3327 licensed health caregiver, as defined in these rules. The licensed health  
 3328 caregiver shall be responsible for performing the written physical assessment,  
 3329 and periodic child evaluations, as set forth herein; provide ongoing daily  
 3330 oversight; make decisions as to the exclusion of any child; and be present at the  
 3331 facility at all times during the hours of operation.  
 3332

3333 (2) Admission.

- 3334 (a) No child shall be accepted to a child care facility for mildly ill children without  
 3335 written parental permission. However, permission may be obtained by telephone if  
 3336 a child in attendance at a regular child care facility becomes mildly ill and is  
 3337 admitted to that same facility's program for mildly ill children. Where the child is in  
 3338 care under telephone permission, written parental permission must be obtained  
 3339 prior to the child's admittance to the program for mildly ill children the following  
 3340 day.  
 3341  
 3342 (b) The program director or licensed health caregiver shall have the authority to  
 3343 require a written medical evaluation for a child to include diagnosis, treatment and  
 3344 prognosis, if such evaluation is necessary to determine the appropriateness of a  
 3345 child's attendance prior to admission and upon worsening of the child's symptoms.  
 3346  
 3347  
 3348 (c) Prior to admission, the child care facility providing for mildly ill children exclusively  
 3349 shall require a written description, signed by the parent, of the child's current and

- 3350 recent illnesses; immunization history, habits, special diets, allergies, medication  
 3351 needs; symptoms requiring notification of parent or health care provider, and  
 3352 where and how the parent or health care provider is to be notified.  
 3353
- 3354 (d) An initial written physical assessment on each child shall be completed by the  
 3355 licensed health caregiver, as defined in these rules, based on the inclusion and  
 3356 exclusion criteria outlined herein to determine appropriateness of admission to  
 3357 the child care facility. A parent must remain on the premises until admission  
 3358 has been determined.  
 3359
- 3360 (e) The written physical assessment shall at a minimum include vital signs and  
 3361 observation of the child's general appearance, head, eyes, nose, mouth, ears,  
 3362 skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.  
 3363
- 3364 (f) Once admitted, children shall be periodically monitored by the licensed health  
 3365 caregiver and evaluated according to policies and procedures established and  
 3366 approved by the child care facility operator and the health provider consultant.  
 3367 Evaluations on each child's condition shall be documented, and shall include the  
 3368 following plus additional information that the facility operator and the health  
 3369 provider consultant may add if they deem it is necessary to evaluate the  
 3370 children:  
 3371
- 3372 1. Temperature
  - 3373 2. Respiration
  - 3374 3. Pulse
  - 3375 4. Amount of food or fluid intake
  - 3376 5. Color, consistency and number of stools
  - 3377 6. Color of urine and frequency of urination
  - 3378 7. Skin color and alertness
  - 3379 8. Activities such as amount of sleep, rest, and play
  - 3380
- 3381 (g) The condition evaluations must be maintained in each child's record and  
 3382 retained by the facility for a minimum of four (4) months. Copies shall be  
 3383 provided to parents daily.  
 3384
- 3385 (h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a  
 3386 child care facility for mildly ill children, only if there is an isolation area as  
 3387 defined herein, and provided the isolation area has a separate outside entrance  
 3388 from the rest of the child care facility.  
 3389

3390 (3) Inclusions.

3391 A child care facility for mildly ill children may consider for admission, and accept  
 3392 children exhibiting illnesses or symptoms for which they can be excluded from child  
 3393 care provided for well children, but who do not meet exclusion criteria as outlined in  
 3394 these rules. Children exhibiting the following symptoms or illnesses, or disabilities, shall  
 3395 be deemed eligible to participate in child care facilities for mildly-ill children:  
 3396

- 3397 (a) Not feeling well, unable to participate in regular child care activities, or has  
 3398 other activity restrictions;  
 3399
- 3400 (b) Recovering from prior day surgical procedure or hospital admission;  
 3401
- 3402 (c) Controlled fever of 102° F orally; 101° F axillary, or 103° F rectally, or below. If  
 3403 the child's temperature is higher than the temperatures listed above a physician  
 3404 must give written approval for admission; or verbal approval with written follow  
 3405 up for admission;  
 3406

- 3407 (d) Respiratory infections such as cold or flu virus;
- 3408
- 3409 (e) Vomiting less than three (3) times without dehydration;
- 3410
- 3411 (f) Diarrhea {more than one (1) abnormally loose stool within a twenty four (24)
- 3412 hour period} without signs of dehydration, and without blood or mucus in the
- 3413 stool;
- 3414
- 3415 (g) Gastroenteritis without signs of severe dehydration;
- 3416
- 3417 (h) Diagnosed asthma;
- 3418
- 3419 (i) Urinary tract infections;
- 3420
- 3421 (j) Ear infections;
- 3422
- 3423 (k) Orthopedic injuries;
- 3424
- 3425 (l) Diagnosed rash;
- 3426
- 3427 (m) Tonsillitis; or
- 3428
- 3429 (n) Strep throat or conjunctivitis after twenty four (24) hours of appropriate
- 3430 medication, if isolation is unavailable. Strep throat or conjunctivitis prior to
- 3431 twenty four (24) hours of appropriate medication is included only if isolation
- 3432 area is available.
- 3433

3434 (4) Exclusions.

3435 Any child exhibiting the following symptoms or combination of symptoms, shall be excluded  
 3436 from child care facilities for mildly ill children:

- 3437 (a) Unresponsive temperature of 104° F orally;
- 3438
- 3439 (b) Undiagnosed or unidentified rash;
- 3440
- 3441 (c) Respiratory distress;
- 3442
- 3443 (d) Major change in condition requiring further care;
- 3444
- 3445 (e) Contagious diseases, if no isolation room is available:
- 3446
- 3447 1. Strep throat or Conjunctivitis prior to twenty four (24) hours of
- 3448 treatment,
- 3449
- 3450 2. Diarrhea due to diagnosed Shigella, Salmonella, Rota-virus, Giardia,
- 3451 Campylobacter, or E. coli,
- 3452
- 3453 3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria,
- 3454
- 3455 4. Head lice, scabies prior to twenty four (24) hours of treatment, or
- 3456
- 3457 5. Other conditions as determined by the director or health provider
- 3458 consultant.
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## 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.
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**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<sup>0</sup>F – 82<sup>0</sup>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

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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.

- 3619 3. Unloading Procedures:  
3620 a. The individual designated by the agency as responsible for the log  
3621 shall update it immediately upon the child being released from the  
3622 vehicle. The designated staff member shall update the log by:  
3623 i. Recording the time the child was released; and  
3624 ii. Initialing next to the time of release.  
3625 b. When the child was released to a parent or other authorized person,  
3626 that person must sign the log indicating that the child was released to  
3627 them.
- 3628 4. Confirming that Every Child is Off the Vehicle  
3629 a. Driver Responsibilities: Immediately upon unloading the last child and  
3630 to ensure that all children have been unloaded the driver shall:  
3631 i. Physically walk through the vehicle;  
3632 ii. Inspect all seat surfaces, under all seats, and in all  
3633 compartments or recesses in the vehicle's interior;  
3634 iii. Sign the log, with the driver's full name, indicating the children  
3635 are all unloaded; and  
3636 iv. Give the log to the second staff member.  
3637 b. Second Staff Member Responsibilities: The second staff member shall:  
3638 i. Physically walk through the vehicle;  
3639 ii. Inspect all seat surfaces, under all seats, and in all  
3640 compartments or recesses in the vehicle's interior;  
3641 iii. Sign the log with the staff person's full name indicating the  
3642 children are all unloaded.
- 3643 5. Loading Children at School  
3644 a. When children are picked up at school they shall be loaded on the  
3645 vehicle at the location designated by the school using all applicable  
3646 procedures for logging of children's presence on the vehicle.  
3647 b. The facility must develop written policies approved by the Department  
3648 that:  
3649 i. Specify procedures for the driver to follow in the event that a  
3650 child scheduled to be picked up does not report to the vehicle;  
3651 and  
3652 ii. Ensure that children will have adult supervision should the  
3653 driver or additional staff member need to try to locate a missing  
3654 child.
- 3655 6. Loading and Unloading Children for Field Trips  
3656 a. Prior to and during field trips the relevant procedures outline in  
3657 Article XVII (C) above must be followed.  
3658 b. Tracking of each child and related documentation is required for each  
3659 time children enter and leave the vehicle, whether at the destination,  
3660 or at rest stops during the trip.
- 3661 7. Unloading Children at the End of the Day: When children are unloaded at the  
3662 end of the day and the vehicle does not return to the facility for the additional  
3663 review that confirms every child is off the vehicle, the facility shall develop  
3664 procedures to:  
3665 a. Verify all children are off the vehicle; and  
3666 b. Verify that each child was released to a responsible person authorized  
3667 by the parent.  
3668
- 3669 D. Child Safety Alarm Device  
3670 On or after September 1, 2012, all vehicles used by or on behalf of the child care  
3671 facility for the transportation of children and that are designed to transport six  
3672 (6) or more passengers must be equipped with a child safety alarm device that  
3673 prompts the driver to inspect the vehicle for children upon vehicle shut off. The  
3674 device must be properly maintained in working order at all times. The  
3675 Department shall, by December 1, 2011, develop and adopt standards for the  
3676 installation and performance of such devices.  
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**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.

<b>AGE</b>	<b>MINIMUM ADULT TO CHILD RATIO</b>
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.

2. 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.
  
3. 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.
  
4. 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.
  
5. 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.
  
6. 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.

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**ARTICLE XIX.  
SPECIALIZED CHILD CARE FOR THE MILDLY ILL – ADDITIONAL  
REQUIREMENTS**

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

**A. General Information.**

**(1) Application.**

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

**(2) License.**

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

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

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

**(3) Staff Ratios**

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

<b>AGE OF CHILDREN</b>	<b>STAFF RATIOS FOR CHILD CARE</b>
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

**(b) Mixed Age Groups.**

1. In groups of mixed age ranges, where one (1) or more children under one (1) year of age are in care, one (1) child care personnel shall be responsible for a maximum of three (3) children of any age group.

2. In groups of mixed age ranges, where one (1) or more children one (1) year of age and older are in care, the staff to child ratio shall be based on the age of the largest numbers of children within the group. When equal numbers of children in each group are in care, the most restrictive staff to child ratio shall apply.

3. Infants shall not be commingled with non-infants.

**(4) Schedule of Activities.**

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

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

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**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

- 3888 be separate from those utilized by children and caregivers from other  
3889 components of the child care facility. Staff bathrooms shall be located  
3890 within the mildly ill care area and shall be designated and separate from  
3891 those bathrooms used by children.  
3892  
3893 (d) Toilet and bath facilities shall provide privacy to all users.  
3894  
3895 (e) Children must receive direct supervision and care in accordance with  
3896 required needs and be accounted for at all times, including but not limited  
3897 to periods while bathing or using the toilet facilities.  
3898  
3899 (f) Running water, disposable towels, liquid soap and trash receptacles shall  
3900 be available at each handwash sink, and be available to and within reach  
3901 of children. Toilet paper shall also be available to and within reach of  
3902 children using the toilet facility.  
3903  
3904 (g) Each basin and toilet must be sanitized after each use.  
3905  
3906 (h) Hand washing sinks shall not be used for food service preparation or food  
3907 clean up.  
3908  
3909 (i) There shall be a handwash sink supplied with hot and cold running water  
3910 in any room where the dispensing of medicines or portioning of nutritional  
3911 supplements occurs. This sink shall not be used for handwash following  
3912 diaper changing activities.  
3913

3914 C. Personnel Requirements.

3915 (1) Minimum Age Requirements.

3916 No person under the age of eighteen (18) shall be allowed to provide care for mildly  
3917 ill children.  
3918

3919 (2) Minimum Training Requirements.

- 3920 (a) All child care personnel caring for mildly ill children shall have current  
3921 certification in infant and child cardiopulmonary resuscitation and first aid prior  
3922 to caring for the children at the facility.  
3923  
3924 (b) In addition to the forty (40) hour child care course, all child care personnel  
3925 caring for mildly ill children shall complete eight (8) hours of annual in-service  
3926 training relating to care of sick children and the prevention of communicable  
3927 diseases. Operators or Directors shall complete at least two (2) hours of  
3928 training relating to sick children as part of their eight (8) hours annual in-  
3929 service training.  
3930

3931 D. Health and Safety

3932 (1) General Requirements.

- 3933 (a) Following personal hygiene procedures for themselves or when assisting others,  
3934 employees, volunteers, and children shall wash their hands with soap and  
3935 running water, drying thoroughly with disposable towels. Only soap from a  
3936 liquid soap dispenser shall be used for hand washing.  
3937

- 3938 (b) A child care facility for mildly ill children shall ensure that safe drinking water  
3939 and other fluids consistent with the child's physical condition are available at all  
3940 times to all children in care. Drinking fountains shall not be used.  
3941  
3942 (c) Only single-service articles may be used for eating and drinking. Children may  
3943 bring labeled items for their exclusive use, which must be returned to the  
3944 parent or legal guardian on a daily basis.  
3945

3946 (2) Diapering Requirements

- 3947 (a) A changing table with an easily cleanable impervious surface and hand washing  
3948 facilities, which include a basin with hot (not to exceed 110 degrees Fahrenheit)  
3949 and cold running water, disposable towels, towel dispenser, disposable gloves,  
3950 liquid soap, and plastic-lined trash receptacle, shall be available in the infant  
3951 room or in the room where children with special needs in diapers are in care.  
3952 Such hand wash sink shall be immediately adjacent to the changing table,  
3953 inaccessible to children, and shall be used exclusively for staff's hand washing  
3954 following diaper changing activities.  
3955  
3956 Hands shall be washed and dried thoroughly after each diapering or toileting  
3957 procedure to prevent the transmission of diseases or illnesses to other children  
3958 in the facility's care  
3959  
3960 (b) Diaper changing shall be in a separate area from the feeding or food service  
3961 area.  
3962  
3963 (c) When children require cloth diapers, only those brought from the child's home  
3964 may be used, and must be returned to the parent at the end of the day.  
3965  
3966 (d) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a  
3967 securely covered, plastic-lined container which is not accessible to children. The  
3968 container shall be emptied and sanitized daily.  
3969  
3970 (e) Disposable gloves shall be used during all diaper changing activities. Gloves shall  
3971 be discarded after use on each child, following disposal of disposable diapers or  
3972 rinsing and sanitizing of cloth diapers. After gloves are discarded, personnel shall  
3973 wash their hands and the hands of the child prior to sanitizing the diaper  
3974 changing station.  
3975

3976 (3) Equipment and Furnishings - Indoor Equipment

- 3977 (a) A child care facility for mildly ill children shall make available toys, equipment  
3978 and furnishings suitable to each child's age and development and of a quantity  
3979 for each child to be involved in activities.  
3980  
3981 (b) Toys, equipment and furnishings must be safe and maintained in a sanitary  
3982 condition. All furnishings shall be made of impervious materials, smooth and  
3983 easily cleanable.  
3984  
3985 (c) All washable toys, equipment and furniture used for one (1) group of children  
3986 with similar diagnosis in a child care facility for mildly ill children shall be  
3987 washed and disinfected before being used by another group of children.  
3988  
3989 (d) Non-washable toys brought from home may not be shared, and shall be sent  
3990 home daily.  
3991

- 3992 (e) All trash receptacles and waste paper bins within the facility shall be of the  
3993 hands-free type.  
3994
- 3995 (4) Fire Safety.
- 3996 (a) Unless statutorily exempted, all child care facilities for mildly ill children shall  
3997 conform to state standards adopted by the State Fire Marshal, Chapter 69A-36,  
3998 Florida Administrative Code, Uniform Standards for Life Safety and Fire  
3999 Prevention in Child Care Facilities, as amended or replaced, and shall be  
4000 inspected annually by the Fire Authority having jurisdiction. A copy of the  
4001 current and approved annual fire inspection report by a certified fire inspector  
4002 must be on file with the Department.  
4003
- 4004 (b) Child care facilities for mildly ill children shall conduct monthly fire drills when  
4005 children are in care, in accordance with the requirements contained in Article X  
4006 (G)(5) of these rules. However, subject to local fire authority's approval,  
4007 evacuation of the premises shall not be required. However, facilities shall ensure  
4008 that the children are taken at least to the point of exit. A current attendance  
4009 record must accompany staff during a drill or actual evacuation and be used to  
4010 account for all children.  
4011
- 4012 (5) Emergency Procedures.
- 4013 (a) At least one (1) first aid kit containing materials to administer first aid must be  
4014 maintained on the premises of all child care facilities for mildly ill children, at all  
4015 times. Each kit shall be in a closed container and labeled "First Aid". The kit(s)  
4016 shall be accessible to the child care staff at all times and must include  
4017 components and be maintained as specified in Article XIII (A) of these rules.  
4018
- 4019 (b) Procedures and Notification  
4020
- 4021 (i) Parents shall be notified immediately in the event of any significant  
4022 change in a child's illness or symptoms, accident or injuries sustained at  
4023 the facility, which are more serious than minor cuts and scratches, and  
4024 their specific instructions regarding action to be taken under such  
4025 circumstances shall be obtained and followed. If the parent cannot be  
4026 reached, the facility operator will contact those persons designated by the  
4027 parent to be contacted under these circumstances, and shall follow any  
4028 written instructions provided by the parent on the enrollment or  
4029 registration form.  
4030
- 4031 (ii) Child care facilities for mildly ill children shall make arrangements with  
4032 the parent for obtaining medical evaluation or treatment for a child, if  
4033 necessary as determined by the licensed health caregiver and program  
4034 policies.  
4035
- 4036 (iii) Child care facilities for mildly ill children shall obtain emergency medical  
4037 treatment without specific parental instruction when the parent cannot be  
4038 reached, and the nature of the illness or symptoms or injury is such that  
4039 there should be no delay in obtaining medical treatment, as determined  
4040 by the licensed health caregiver or other qualified health professional.  
4041
- 4042 (iv) Child care facilities for mildly ill children shall call the parent immediately  
4043 when a child's illness or symptoms worsen to the degree that the child  
4044 meets criteria for exclusion from the program, as previously outlined  
4045 herein.

4046

4047 (6) Dispensing of Medication.

4048 Medication shall be returned to the parent or legal guardian at the end of each day.  
4049 Medication shall be dispensed and stored in accordance with Article XIII(C)(1 & 2) of  
4050 these rules.

4051

4052 E. Food and Nutrition

4053 (1) Nutrition

4054 (a) If a child care facility for mildly ill children chooses to supply food, it shall provide  
4055 nutritious meals and snacks of a quantity and quality to meet the daily nutritional  
4056 needs of the children.

4057

4058 (b) If a facility chooses not to provide meals and snacks, arrangements must be  
4059 made with the custodial parent to provide nutritional food for the child.

4060

4061 (c) Child care facilities for mildly ill children shall ensure that menus for children can  
4062 be modified to meet the individual needs of each child in care. If a special diet is  
4063 required for a child by a physician, a copy of the physician's order, a copy of the  
4064 diet, and a sample meal plan for the special diet shall be maintained in the child's  
4065 facility file.

4066

4067 (2) Food Preparation Area.

4068 (a) All licensed child care facilities for mildly ill children, approved by the Department  
4069 to prepare food, shall meet the applicable requirements as specified in Rule 64E-  
4070 11, Florida administrative Code, Food Hygiene, as amended or replaced.

4071

4072 (b) A kitchen area may be shared with other components of the facility. However,  
4073 staff providing child care for the mildly ill children shall not be involved in food  
4074 preparation.

4075

4076 (3) Food Service.

4077 (a) Children shall be individually fed or supervised at feeding and offered foods  
4078 appropriate for their ages and physical condition.

4079

4080 (b) All meals and snacks provided for children participating in child care facilities for  
4081 mildly ill children must be served on single-service articles.

4082

4083 (c) Where the facility shares kitchen amenities with the well-childcare program  
4084 onsite, and food is satellited to the mildly ill childcare section, such food shall be  
4085 individually plated on disposable ware, and shall not be returned to the well child  
4086 care area.

4087

4088 (d) There shall be a handwash sink with hot and cold running water for staff use in  
4089 each area where liquid nourishment and or medications are dispensed.

4090

4091 F. Record Keeping

4092 (1) Children's Records.

4093 (a) Each child's record shall contain a signed statement from the parent, attesting to  
4094 the child's immunization status, either current or religiously exempt from



- 4095 immunization, as required by Rule 64D-3, Florida Administrative Code, as may be  
 4096 amended or replaced.
- 4097 (b) Enrollment/Registration Information: The facility operator shall obtain enrollment  
 4098 information from the child's custodial parent or legal guardian, prior to accepting  
 4099 a child in care. This information shall be documented on a current CF-FSP Form  
 4100 5241, Application for Enrollment in Specialized Child Care Facilities for Mildly Ill  
 4101 Children, which is incorporated by reference, or an equivalent form that contains  
 4102 all the following information required by the Department's form:
- 4103 (i) Child's name, age, date of birth, sex
  - 4104 (ii) Parent or legal guardian's name
  - 4105 (iii) Employer name
  - 4106 (iv) Home, work, cell and pager telephone numbers
  - 4107 (v) Person and telephone number to call in case parent cannot be reached
  - 4108 (vi) Child's physician and telephone number
  - 4109 (vii) Allergies and type of reaction and specific interventions in case of allergic  
 4110 reaction
  - 4111 (viii) Present and past prescriptions and childhood diseases
  - 4112 (ix) Current Diet
  - 4113 (x) Special areas of concern and special needs of assistance
  - 4114 (xi) Diapering requirements
  - 4115
- 4116 (c) The child shall not be released to any person other than the person(s)  
 4117 authorized, or in the manner authorized in writing by the parent.
- 4118
- 4119 (d) Children's files shall contain signed statements that the child care facility for  
 4120 mildly ill children has provided all of the following information to parents:
- 4121 (i) Admission policy
  - 4122 (ii) The program's infection control procedures
  - 4123 (iii) Methods for the daily care of children, including the child's progress
  - 4124 (iv) Procedures for the care and referral for a medical evaluation for children  
 4125 who exhibit worsening symptoms, including a listing of those symptoms
  - 4126 (v) Policy and procedure for staff communication with parents and health  
 4127 care providers
  - 4128 (vi) Discipline policy
  - 4129
- 4129 (3) Medication Records.
- 4130 (a) A written record documenting the child's name, the name of the medication,  
 4131 date, time, dosage to be given, and signature of the custodial parent or legal  
 4132 guardian, shall be maintained at the facility. This record shall be initialed or  
 4133 signed by facility personnel at the time the medication is dispensed.
- 4134
- 4135 (b) This record shall be maintained for a minimum of twelve (12) months after the  
 4136 last day the child received the medication.
- 4137 (4) Other Records
- 4138 Facility shall maintain for the Department's review the following:
- 4139
  - 4140 (a) Written records of policies and procedures, current for the calendar year, or  
 4141 most recent version, and
  - 4142 (b) A detailed log of quarterly monitoring visits shall be maintained, dated and  
 4143 signed by the Health Provider Consultant. This log shall be maintained for a  
 4144 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**

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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.

CHAPTER 2010-249

House Bill No. 1045

An act relating to Palm Beach County; amending chapter 59-1698, Laws of Florida, as amended; revising and providing definitions; providing requirements for the operation and licensing of large family child care homes; providing for the issuance of provisional licenses to child care facilities, large family child care homes, and family day care homes; updating obsolete language; revising requirements for Child Care Advisory Council membership; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 59-1698, Laws of Florida, as amended by chapter 77-620, Laws of Florida, is amended to read:

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

1.a. Children - Persons related to the operator of a facility regulated under this act under 13 ~~12~~ years of age, and all other persons under 18 years of age.

b. ~~Child Boarding Homes - Any building or shelter in which, for 24 hours per day, custodial care is rendered to one to five children, inclusive, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, subject to the exemptions contained in Section 12 hereof.~~

2.e. Family Day Care Home Facilities - An occupied residence ~~Any building or shelter~~ in which custodial care is rendered to one to six ~~five~~ children, inclusive, ~~for 2-24 hours per day and~~ for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, subject to the exemptions contained in Section 9 ~~12~~.

3. Large Family Child Care Home - An occupied residence in which custodial care is regularly provided for children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of

children, which shall include those children under 13 years of age who are related to the caregiver:

- a. A maximum of eight children from birth to 24 months of age.
- b. A maximum of 12 children with no more than four children under 24 months of age.

4.d. Child Care Facility Facilities - Any building or shelter in which custodial care is rendered to six or more children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, or which is held out to the public to be an establishment which regularly provides child custodial services.

Section 2. PERMIT REQUIRED FOR ESTABLISHMENT, MAINTENANCE AND OPERATION. It shall be unlawful for any person, firm, or corporation to establish, maintain, or operate in Palm Beach County, Florida, a child care facility, large family child care boarding home, or family day care home facility without first obtaining a permit therefor from a board, to be designated as the Child Care Facilities Board, and without permanently posting such permit in the child care facility, large family child care boarding home, or family day care home facility. Such Child Care Facilities Board shall be composed of the Board of County Commissioners of Palm Beach County, hereafter referred to as the Board. The Chairman of the Board of County Commissioners of Palm Beach County shall be the Chairman of the Child Care Facilities Board, and the Board shall meet at least once every 3 three-(3) months at a time and place designated by the Board.

Section 3. APPLICATION FOR PERMIT. Application for a permit to operate a child care facility, large family child care boarding home, or family day care home facility shall be made to the Board in writing, and on a form, and under regulations prescribed by the Board. The application shall state the name and address of the applicant, his or her occupational history and qualifications, the type and location of proposed operation, the number of persons to be accommodated, and such other information the Board may require.

Section 4. ISSUANCE OF LICENSE.

1. The Director of the Palm Beach County Health Department shall be charged with the administrative and financial responsibility of carrying out the duties of the Board, and the Director he or his or her representative shall inspect child care facilities, large family child care boarding homes, and family day care homes facilities as required by the Board. Said Board, when satisfied that minimum standards are met, shall issue a license in writing on a form prescribed by the Board. Such license shall be valid for a period of 1 one year unless revoked. It shall not be transferable or assignable.

2. The Board may issue a provisional license for child care facilities, large family child care homes, or family day care homes. A provisional license shall not be issued for a period that exceeds 6 months and may only be renewed by the Board one time for a period not to exceed 6 months.

3. A provisional license shall not be issued unless the child care facility, large family child care home, or family day care home is in compliance with the requirements for screening of child care personnel and the requirements for ensuring the health and safety of the children in care.

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

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

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

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

a. To require facilities regulated hereunder to secure liability insurance and set minimum limits and standards for carriers; and,

b. To establish fees for inspection and licensing under this Act.

No such rules and regulations of the Board shall be adopted or become effective until after a public hearing has been held by the Board pursuant to at least one notice published in a newspaper of general circulation in the County at least 10 ~~ten (10)~~ days prior to the hearing. When approved by the Board and filed with the Clerk of the County Commission, such rules and regulations shall have the force and effect of law. Until the Board adopts rules and regulations, the state standards aforementioned shall apply to all facilities regulated by this Act.

Section 7. CHILD CARE ADVISORY COUNCIL.

1. The Board shall appoint a Child Care Advisory Council which shall be appointed by the Board of County Commissioners no later than 60 ~~sixty (60)~~

days after the effective date of this Act. Members of the Council shall serve at the pleasure of the Board of County Commissioners. The Council shall be composed of seven ~~(7)~~ members consisting of the following:

a. Two ~~(2)~~ members who represent and operate as a private enterprise a facility regulated hereunder, one of whom operates a family day care home or large family child care home.

b. One ~~(1)~~ member who represents and operates a parochial facility regulated hereunder.

c. One ~~(1)~~ member who represents a consumer protection enforcement official.

d. One ~~(1)~~ member for fire protection, engineering, or technology.

e. One ~~(1)~~ member who, at the time of appointment, is ~~was~~ a parent of a child in a facility regulated hereunder.

f. One ~~(1)~~ member who represents the Department of Children and Family Health ~~and Rehabilitative Services~~.

2. The Council shall advise the Board and make recommendations as to the issuance and revocation of licenses and as to rules and regulations necessary to protect the health and safety of persons in child care facilities, large family child care boarding homes, or family day care homes facilities.

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

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

Section 10. CIVIL ENFORCEMENT. Any violation of this Act or the rules and regulations of the Board adopted promulgated pursuant hereto shall be subject to enforcement by the Palm Beach County Environmental Control Officer and the Palm Beach County Environmental Control Act,



chapter 70-862, Laws of Florida, as amended, and as it may in the future be amended or ~~reenacted~~ ~~reenacted~~.

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

Section 12. **ADVERTISING BY FACILITIES.** It shall be unlawful for any person, persons, associations, partnerships, corporations, or institutions to offer or advertise to the public, in any way or by any medium whatsoever, ~~large family child care boarding home, family day care home, facility or child care facility service without unless it has first~~ ~~having~~ secured a license under the provisions of this Act. All advertisements advertising any such services shall include the license number of the license issued pursuant to this Act.

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

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.

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

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

a. Children: persons related to the operator of a facility regulated under this act under twelve (12) years of age, and all other persons under eighteen (18) years of age.

b. Child Boarding Homes: Any building or shelter in which, for twenty-four (24) hours per day, custodial care is rendered to one to five children, inclusive, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit subject to the exemptions contained in Section 12 hereof.

c. Family Day Care Facilities: Any building or shelter in which custodial care is rendered to one to five children, inclusive, for 2-24 hours per day and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, subject to the exemptions contained in Section 12.

d. Child Care Facilities: Any building or shelter in which custodial care is rendered to six or more children, and which receives a payment, fee, or grant for any of the children, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, or which is held out to the public to be an establishment which regularly provides child custodial services.

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

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

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

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

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

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

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

1. The Board shall make, promulgate, amend and repeal such rules and regulations as are necessary to protect the health and safety of persons in child care facilities, child boarding homes, or family day care facilities; prescribing standards for living quarters, including provisions pertaining to sanitary conditions, light, air, safety, protection from fire hazards, equipment, operation, qualifications and number of staff, and such other matters as may be appropriate to protect the life and health of the occupants thereof. Standards established by rules and regulations of the Board shall meet or exceed state minimum standards, to wit: standards established by the Department of Health and Rehabilitative Services pursuant to chapter 402, Florida Statutes.
2. The Board may make, promulgate, amend, and repeal such rules and regulations as are necessary:
  - a. To require facilities regulated hereunder to secure liability insurance and set minimum limits and standards for carriers: and,
  - b. To establish fees for inspection and licensing under this Act.

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

act.

**Section 7. CHILD CARE ADVISORY COUNCIL:**

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

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

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

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

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

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

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

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

**BECAME A LAW WITHOUT THE GOVERNOR'S APPROVAL.**

**FILED IN OFFICE SECRETARY OF STATE.**



PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
CHILD CARE ADVISORY COUNCIL

I. AUTHORITY :

Chapter 59-1698, Special Acts Laws of Florida, as amended by Chapters 77-620 and 2010-249, Special Act Laws of Florida.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

This Council shall be comprised of seven members consisting of: two members who represent and operate as a private enterprise a facility regulated under the Act, one of whom operates a family day care home or large family day care home; one member who represents and operates a parochial facility regulated under the Act; 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 is a parent of a child in a facility regulated under the Act; and one member who represents the Department of Children & Families. Members serve at the pleasure of the Board of County Commissioners.

EXTENDED COMPOSITION :

IV. MEETINGS :

Currently meets at 9:00 a.m. the 2nd Wednesday of every month at 800 Clematis Street, West Palm Beach, FL.

V. FUNCTIONS :

The Council shall advise the BCC and make recommendations as to the issuance and revocation of license and as to rules and regulations necessary to protect the health and safety of persons in child care facilities, child care homes and a family day care facilities.

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

PBC Health Department

CONTACT PERSON

Courtney Shippey MPA REHP

ADDRESS

800 Clematis St Palm Beach County Health  
West Palm Beach FL 33401  
Phone # 561-837-5971

\* indicates a member having an action pending



CHILD CARE ADVISORY COUNCIL

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
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Appointed By : At-Large/PBC Board of County Commissioners

1	Eunice Twiggs C-Twiggs Learning Tree Child Care & Kindergarten 101 10th St Lake Park FL 33403	Member	AA	F	561-842-4663	Private Child Care Facility	06/30/2003		
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NOMINATED BY :

2	Mary Morris  504 Clear Lake Ave West Palm Beach FL 33401	Member	AA	F	561-832-0472	Private Child Care Facility	11/20/2012		
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NOMINATED BY :

3	Louise Mancini C-Summit Christian School 4900 Summit Blvd West Palm Beach FL 33415	Member	CA	F	561-686-8081 X326	Represents / Operates Parochial Fac.	06/06/2000		
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NOMINATED BY :

4	Eugene Reavis Palm Beach County Consumer Affairs Division 50 S Military Trl Ste 201 West Palm Beach FL 33415	Member	AA	M	561-712-6600 X660	Consumer Protection Enforcement Official	05/01/2012		
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NOMINATED BY :

\* indicates a member having an action pending

Appointed By At-Large/PBC Board of County Commissioners

5	Alicia Kula	Member	CA	F	--	Fire Protection, Eng or technology Rep	03/11/2008
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C-Palm Beach County Fire Rescue  
405 Pike Rd  
West Palm Beach FL  
33411

NOMINATED BY :

6	Kendra Barnes	Member	CA	F	561-714-2155	Parent Of A Child In Day Care	12/05/2006
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C-Palm Beach County School District  
3330 Forest Hill C206  
West Palm Beach FL  
33406

NOMINATED BY :

7	Patricia Tilford	Member	CA	F	561-837-5840	Florida Dept. of Children & Families	12/18/2007
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FL Dept. of Children & Families  
111 S Sapodilla Ave  
West Palm Beach FL  
33401

NOMINATED BY :

\* indicates a member having an action pending